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THE  
MIGRATION OF WORKERS

*RECRUITMENT, PLACING  
AND CONDITIONS OF LABOUR*



GENEVA  
1936

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GENEVA, SWITZERLAND

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## INTRODUCTION

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A first glance at the question of international migration shows that it involves two sets of problems: those connected with human migration in general, and those connected with the movements of workers. The problems of workers' migration, and in particular of recruiting and placing, form one part of the more general question, and before passing on to their consideration, therefore, it is desirable to say something about migration as a whole.

The national groups into which the population of the world is broken up differ from one another in varying degrees. The differences are manifold and striking in respect of age, extent of territory, wealth and population, and of the relations between these factors, for instance between density of population and natural or acquired resources. The mere fact of unequal distribution or the need for a series of compensations and for a more or less stable and lasting equilibrium sets up, or tends to set up, currents from one country to another, of which migration, like movements of capital and the exchange of goods and services, is merely one series. The number of communities which do not take part in these movements is becoming steadily smaller. Moreover, the influence of these international currents on various forms of human activity is such that a whole set of interests are affected and a great many problems have to be faced. In the case of human migration, the factors concerned are mainly the migrant and his family, his country of origin and the country to which he migrates, and the various environments which he leaves, through which he passes or in which he finally settles.

A question which immediately arises is that of the relations between these factors and of the extent to which they will influence or be independent of one another, especially in view of the fact that the various interests, of which some are collective and others individual, are, apparently at least, far from coinci-



dent. It is not always easy to reconcile them, and nevertheless to avoid losing sight of the general interest, in which case serious difficulties are likely to occur.

May an individual emigrate, be admitted to another country than his own and there carry on his trade? May a country close its frontiers either to emigrants or to immigrants, prevent access to its employment market, repatriate immigrants individually or in large numbers, or, again, recall its own emigrants? Are these acts merely arbitrary or are they based on necessity or on rights? In the last case, assuming that the rights are not absolute, what conditions and limitations apply when they are exercised? A great variety of replies may be given to these and other questions connected with them, but the value of the replies will always depend on the extent to which they allow for the interests of all the factors mentioned above, without omitting the general interest which should always take precedence.

It should be added that in a great many cases the reply will seriously affect human activities and the very life of the communities and persons concerned. Whether the influence be direct or indirect, it will be appreciable, and sometimes attended by serious consequences both for whole nations and for individual persons.

The effect of migration on peace has been described so often that it is unnecessary to dwell upon the subject here, save to recall the fact that, in this respect as in others, universal peace and harmony must needs be based on social justice. A point which has been made less frequently and yet seems just as important is that migration only forms part of a whole and that everything in the complex system of exchanges of men, money, and goods is interdependent, so that a change in any one branch of exchange necessarily affects all the others. It has sometimes been thought that a given type of exchange can be isolated, that a liberal policy may be pursued in regard to one type and a policy of restriction in regard to another. Experience has repeatedly shown that this is a fallacy. Since demographic movements, which are both causes and effects, are always preceded or accompanied and followed by movements of capital and goods, not to mention services in the form of transport and commercial and other operations, and since these movements take place either directly between the country of emigration and that of immigration, or, more frequently, between a



whole set of countries, each of which is affected in turn,<sup>1</sup> any attempt to restrict migration while encouraging the exchange of capital, goods and services, or vice versa, is sure to meet with considerable difficulties. Here again, countries must choose and they cannot expect other advantages or drawbacks than those to which the policy prevailing not only in their own territory, but in all other countries taken as a whole, may give rise, whether that policy be more or less liberal or nationalist, free trade or restrictionist.

Finally, migration questions are directly connected with the general population problem. That is a well-known fact, but the influence of demographic factors on economic activity is not so well known. It is only fair to say that, for a long time after the world war, the attention of the public was directed almost exclusively to production problems, while those of consumption were neglected. The significance of the density of the population and of the prevailing standard of living is receiving ever wider recognition in this respect.

\* \* \*

In describing the main and permanent features of migration problems above, no attempt is made to decide the issue between those who consider migration to be a panacea for the world's troubles and those who believe that it is the cause of those troubles or a source of growing dangers.

A brief survey is necessary, however, to determine the present migration situation. It is unnecessary to trace the historical evolution of migration currents, for this has been done by a great many authors with as much care and accuracy as the available statistics allow. Moreover, the first part of this report contains a short summary, covering as wide a field as possible, of the relevant data for recent times.

During the last century and up till the beginning of the twentieth, in spite of opposition, which was at times lively,

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<sup>1</sup> Cf. Francis DELAISI: *Les deux Europes*, 1929; and G. DE MICHELIS: *World Reorganisation on Corporative Lines*, 1935. As far back as 1885 Sir Robert Giffen pointed out that: "... in the earlier years of prosperity, a considerable lending of capital from old to new countries goes on, and this lending of capital promotes emigration from the old countries to the new, helping to give greater employment for labour in the new countries than there would otherwise be". (Quoted by the International Labour Office: "Unemployment and International Migrations" in *Unemployment, Some International Aspects, 1920-1928*, Studies and Reports, Series C., No. 13.)



and of serious setbacks, migration took place with a freedom which, if not complete, was at least considerable. By the end of a few generations the number of persons who had left the emigration countries with an old civilisation to settle in the new continents amounted to many tens of millions. Vast areas were brought to a high pitch of economic development, in which immigration played a large part. These mass movements of population facilitated or even set up other movements of capital and of goods, the value of which ran into many thousands of million pounds sterling. From time to time acute depressions occurred and were followed, after a period which varied in length, by a revival of business in the countries of immigration. With these business revivals, movements of capital and of goods began once more.

The world war brought about an upheaval and a sharp break in this economic system, as it did in so many other fields of human activity. Migration policies were henceforth directed towards other aims. Nevertheless, when the upheaval had subsided, migration and other international movements started afresh, though they were restricted and at times interrupted. In the irregular but intense economic development which took place throughout the world after hostilities had ceased, there were even new currents of migration. With a view to regulating and stabilising these movements, a number of bilateral agreements were concluded, mainly between European countries.

Migration movements have undergone a profound transformation during the last decade. So far as total numbers are concerned, for example, while migration maintained a fairly high level until 1929 and in some countries 1930, with the coming of the depression it first diminished and then reversed its direction so that the number of emigrants returning to their countries of origin became larger than the number of emigrants going out to new countries. Such a reversal of the stream of emigrants is not without precedent, as it has occurred in isolated cases in previous depressions, but never in history has such a reversal been so universal or lasted for so long a period.

Some of the changes of which particulars will be found below are probably permanent, others are temporary and are due solely to the economic situation. It is of interest to note that already by 1932 the return movement of migrants to their countries of origin showed signs of diminishing and that, on



the other hand, as the depression slowly lifted, the number of outward-bound migrants began to increase. This tendency is still a very hesitating one. These facts show once more that migration increases in periods of prosperity and falls in periods of depression,<sup>1</sup> being influenced more by a demand for labour in the immigration countries than by the situation in the emigration countries.

Deeper significance attaches perhaps to the expression of certain opinions, evidencing an intellectual evolution which may have out-distanced events. No doubt the mere prospect of mass immigration is, in view of the acute unemployment which prevails in many industrial countries, likely to excite invincible opposition. Nevertheless certain restrictions on the admission of foreigners are now being studied, even in the countries of immigration which have enforced them, with reference to their ultimate effects, which are not always favourable to those countries, and these ultimate effects are attracting as much attention as the immediate consequences of restriction.

Certain changes in the views about migration which are widely held are specially worthy of note. For instance, the idea that the rush of Europeans in large numbers to North America was responsible for the remarkable development of that continent in so short a space of time has not been admitted by every one. This view was challenged, for example, in the United States at the end of last century by Mr. Francis A. Walker, who was at that time the leading authority in the field of Federal statistics, and who maintained that foreign immigration into the United States amounted not to a reinforcement of the population but to a replacement of native by foreign stock. The evidence on this question has recently been re-examined by Professor Walter F. Willcox, who comes to the following conclusion: "That theory had its value as a challenge of the current belief that immigration regularly increased the population by an amount equal to its number. But it is almost equally incorrect to maintain that it did not increase the population at all. In view of the meagre evidence obtainable about

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<sup>1</sup> Cf. JEROME: *Migration and Business Cycles*. New York, National Bureau of Economic Research, 1926.

E. P. NEALE: "Migration and Depression, A Note on a Neglected Point in Economic History", in *International Labour Review*, Vol. XXVI, No. 6, December 1932.

INTERNATIONAL LABOUR OFFICE: "Unemployment and International Migration", in *Unemployment, Some International Aspects, 1920-1928*, Studies and Reports, Series C, No. 13.



the growth of population in the United States in the earlier part of the nineteenth century, it may be doubted whether it will ever be possible to determine where between these two extreme views, both of them apparently incorrect, the truth actually lies.”<sup>1</sup>

Moreover, now that it is possible to take a long view of migration movements, some of their results can be more fully appreciated, particularly in so far as they affect consumption and help to raise the standard of living. Even from the point of view of the employment market, doubts have arisen as to whether it is strictly true that immigrants are in all cases dangerous competitors for national workers. While this argument is no doubt true in time of general and acute depression, it is much less so in periods of prosperity when, for instance, the immigration of foreign workers may prove beneficial to all producers. This applies not only to skilled workers who can help to start quite new industries, but also to unskilled labourers, over whom workers of the immigration country, who are more highly paid and work under better conditions, may serve as foremen or skilled workers.

At any rate, it may be said without undue exaggeration that the economic recovery, which is now taking place in many countries, is likely to lead to a modification of the measures adopted during the depression to restrict the admission of immigrants, who at that time would not have been able to find employment. This period of restriction should be succeeded by a period of co-operation between those countries which once again need foreign workers to develop their resources and those which have a surplus of labour available.

There is some evidence, though not much as yet, that this is taking place. Mention may be made of the North European Economic Conference which met at Copenhagen in October 1935 and drew the attention of the Danish, Finnish, Norwegian and Swedish Governments to the significance, with reference to a policy of trade co-operation, of adopting measures to establish an organised exchange of workers among the Northern countries.

Viewed in the light of all these facts and ideas, the present report appears at an opportune moment.

Its object is in no way to deal with the problem of migration as a whole. Reference has been made to this problem

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<sup>1</sup> Walter F. WILLCOX: “Immigration into the United States” in *International Migrations*, Vol. II, p. 103 (National Bureau of Economic Research).



merely by way of introduction, and in order to bring out the relation between it and the questions of recruitment and placing which are the sole concern of the present report. What has been said may also help to illustrate the differences between the scope and nature of the general problem on the one hand and this special aspect, which is both technical and strictly limited, on the other. This report, then, deals with the international movements of workers who are recruited in one country and placed in employment in another, and with the status and treatment of these workers during the time they are engaged in their first job in the country of immigration.

The questions of the recruiting and placing of migrant workers have occupied the attention of the International Labour Organisation from the beginning. It was in fact at its First Session, held in Washington in 1919, that the International Labour Conference recommended to the Members of the International Labour Organisation "that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned" (paragraph II of the Recommendation concerning unemployment). Accordingly when the International Emigration Commission met in 1921 at the suggestion of the International Labour Conference, it went thoroughly into the problem of the collective recruiting of workers for abroad, and it reached the following conclusions:

"14. That if and when bilateral Conventions for the recruitment of bodies of workers are made between Members in pursuance of the Recommendation of the Washington Conference, or where collective recruiting takes place in another country, the following principles should be borne in mind:

- "(1) Inspection and supervision by the competent authorities of the two States concerned, each on its own territory.
- "(2) Recruiting operations should be carried on exclusively through the medium of offices or agents authorised by the competent authorities of the States.
- "(3) Consultation of employers' and workers' organisations concerned in case of recruiting carried out as a result of conventions between Governments.
- "(4) To see that the recruiting does not disturb the labour markets of the two countries; particularly that the wages should not be less than those paid in the country of immigration, and that workers recruited should not arrive on the occasion of strikes or lockouts.



“(5) Contracts signed in the country of emigration should be fully enforceable in the country of immigration, except in the case of such clauses as are contrary to public order.

“15. If it appears that workers or employees (men or women) are recruited for another country in order to replace workers or employees of that country who are involved in a strike or lockout, the undertaking which has carried out this recruiting, or for the profit of which the recruiting has been carried out, should repay to the workers and employees thus recruited all their expenses, including the expenses of the journey in both directions.”

Since then the question of collective recruiting and placing has been almost continuously before the International Labour Conference, as the resolutions adopted by the successive sessions will testify. In 1926 the Eighth Session invited the Office “to approach the Governments of the countries concerned, in order to request them to take the necessary steps so that the finding of employment for foreign workers may be undertaken solely by public institutions or by organisations not aiming at making profits, operating under the supervision of the public authorities, and after consultation of the employers’ and workers’ organisations”. The Twelfth Session in 1929 drew the attention of the Governing Body “to the problem of the recruiting and placing of foreign workers which was dealt with by the Washington Conference in its Recommendation concerning unemployment but which ought to be re-examined more thoroughly at an early Session of the Conference”. This same Session, on the proposal of Mr. Tchou, Chinese Government Delegate, invited the Governing Body to carry out an enquiry into the application of paragraph II of the Washington Recommendation referred to above.

Finally, on the proposal of the Chinese Government delegation, the Conference adopted at its Seventeenth Session in 1933 the following resolution:

“Considering the importance assigned in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace to the protection of workers who are employed in countries other than their own, and with a view to obtaining the full application of the Recommendation concerning reciprocity of treatment between foreign workers and their families and national workers, adopted at the First Session of the International Labour Conference, at Washington in 1919<sup>1</sup>;

<sup>1</sup> In this Recommendation the Conference recommended “that each Member of the International Labour Organisation shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organisation as enjoyed by its own workers.”



“Considering that the Twelfth Session of the International Labour Conference already drew the attention of the Governing Body of the International Labour Office to the desirability of placing that question on the Agenda of the Conference in the near future;

“Considering that, owing to the financial and economic crisis from which the whole world has long been suffering, workers resident in foreign countries have been treated in a manner contrary to the principles of equality and justice, that a large number of them have been forced to leave the country where they were employed and have thus become completely destitute;

“Considering that a study of the problem of equality of treatment has already been undertaken by the Migration Committee of the International Labour Office;

“The Seventeenth Session of the International Labour Conference

“Requests the Governing Body to consider the desirability of giving effect to the study which has been made by placing the question on the Agenda of a very early session of the International Labour Conference, in order that it may be embodied in a Convention at the earliest possible moment.”

The recruiting, placing and treatment of workers are, apart from their general significance, of special importance to certain types of workers. This has been pointed out in recent resolutions adopted by the Advisory Committees of the International Labour Office which deal with salaried employees and professional workers respectively.

The first of these Committees begins by recording with sympathy the attempts that have been made, by way of bilateral agreements between States, to regulate the admission of foreign employees. The Committee urges that the migration of salaried employees should be promoted on the basis of bilateral agreements concluded between States, with the collaboration of the salaried employees' unions, as regards both the conclusion and the application of these agreements, and that such application should respect the conditions of employment and wages fixed by collective agreements or in any similar way.<sup>1</sup>

The Advisory Committee on Professional Workers, after considering, from various points of view, the recruiting and placing of this category of workers, recommends the methodical study of the employment market, with practical assistance from occupational organisations, so as to amplify statistical information and facilitate the guiding of unemployed persons towards less overcrowded professions. It also maintains that increasing opportunities should be given for the settlement of professional workers in colonies and undeveloped countries by

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<sup>1</sup> Cf. INTERNATIONAL LABOUR OFFICE: *Industrial and Labour Information*, Vol. LIV, No. 4, 22 April 1935, p. 142.



various measures likely to facilitate such settlement and to ensure its success, including the preparation of a list of openings for employment, the study of living conditions, the conclusion of international agreements, etc. Further, the Committee considers that it is possible and necessary to bring the legitimate efforts for the protection of national professional workers into harmony with the growing need for ensuring freedom of exchanges of professional workers between the different countries, especially in order to permit professional workers to improve their general education and their special training. Among other things, the Committee asks the International Labour Office to continue the drafting of international regulations to ensure equality of treatment for national and professional workers in the same way as for manual workers.<sup>1</sup>

Both Committees moreover lay stress on the importance of concluding bilateral or multilateral international agreements for the exchange of student employees.<sup>2</sup>

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In preparing the present report, the Office has striven to give effect to the Recommendations and Resolutions mentioned above and at the same time to present a general survey of the law and practice in the matter in most countries. Special attention has been given to experiments in bilateral co-operation made before the depression of 1929 by a large number of emigration and immigration countries. It is hoped that this will provide a basis of general information for any fresh attempts of this kind which may be made in the course of the next few years.

The report does not deal with the recruiting of labour in colonies and in other territories with analogous labour conditions. This question has been studied separately by the International Labour Office with the advice and assistance of the Committee of Experts on Native Labour. A Grey Report was submitted in 1935 to the Nineteenth Session of the International

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<sup>1</sup> Cf. INTERNATIONAL LABOUR OFFICE: *Industrial and Labour Information*, Vol. LVI, No. 7, 18 November 1935, pp. 243-244.

<sup>2</sup> In regard to the exchange of student employees and the agreements concluded between States or occupational organisations in this respect, cf. INTERNATIONAL LABOUR OFFICE, *International Labour Review*, Vol. XXII, No. 2, August 1930, "International Exchanges of Young Workers." See also p. 46 below.



Labour Conference, which will reconsider the matter in accordance with the usual procedure at its Twentieth Session with a view to the adoption of international regulations.

It should be added that no attempt has been made to give a detailed and photographic picture of the law and practice in each country at the present time, for, owing to the economic depression, agreements and regulations are repeatedly being changed and practically all the measures in force are of a distinctly negative character, prohibitions being added to limitations and restrictions. On the contrary, it has seemed more expedient to give a number of examples which are important or typical enough to illustrate clearly the main principles underlying national or local regulations, for these are fairly complicated and sometimes even obscure. In addition reference has been made freely to particularly important regulations which were drawn up before the present depression, but have been suspended or modified as a result of it.

That has seemed to be the only way in which this report could really make a positive contribution to the problems with which it deals and lead up to certain practical conclusions for the future.

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The first part of the report is devoted to a statistical review of the migration of workers throughout the world during the last few years. Part II consists of an examination of the principles and methods of recruiting, transporting, placing and repatriating migrant workers. Part III contains information on the problem of equality of treatment for immigrant and national workers, on working and living conditions, and on organisations for the protection of migrants.

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# PART I

## A SURVEY OF RECENT MIGRATION MOVEMENTS

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### GENERAL REMARKS

The purpose of the present report is to examine the different methods used in recruiting workers who migrate from one country to another and in placing them in employment when they have migrated. In order to understand the real importance of the various methods and their applicability on a large scale it is necessary to have some idea of the volume and direction of migration movements in recent years. Where are the principal currents of migration? How large are they? Are the movements mostly in one direction or is there a big return movement? Do the migrants go long distances or only short distances to their new employment? These are some of the questions that may be asked and the answers to which supply an indispensable background to a consideration of recruiting and placing activities from an international point of view.

Perhaps the most obvious distinction that can be made between two forms of migration is that between permanent settlement and temporary migration. A large number of persons migrate to the country of their choice, after selling all their belongings other than those they can carry with them, with the intention of staying in the new country either for the rest of their lives or at any rate until they have made enough money to retire. It is clear that the intentions of migrants in this respect are not always fulfilled, and some of those who go abroad for permanent or semi-permanent settlement actually return to their country of origin within a comparatively short time. This may be due to the fact that they fail to make good in the immigration country, or that owing to an economic depression they cannot easily find employment, or that personal reasons compel them to abandon their original plans. On the other hand, some migrants who go abroad with the intention of staying only a short time find the new country so congenial that they remain there permanently.



The international conference on migration statistics, which met in Geneva in October 1932, recommended that migration for less than a year should be regarded as temporary, frontier traffic (the movement of persons who reside in one country and work in another) being excluded. Temporary migration includes seasonal migration, which involves a return to the country of origin at the end of every season.

It is, however, very difficult to give statistics of these forms of migration, because as a rule no distinction between permanent and temporary migration is made, except in certain cases in which there are seasonal or other temporary movements organised by agreement between the two Governments concerned.

Migration movements may also be classified on a geographical basis, being divided into those taking place within the limits of a single continent and those taking place between continents. The former is generally known as continental migration, and for the most part such migration takes place between two countries situated relatively near to each other. Inter-continental migration, on the other hand, is generally between countries separated by a considerable distance. Continental migration is therefore mostly temporary in the sense that the majority of the migrants go for a relatively short period and then return to their country of origin. There is, however, also a movement of a more permanent character, particularly into France. Inter-continental migration, on the other hand, is mostly a permanent movement in the sense that the majority of the migrants remain permanently, or at any rate for a long period, in the country of immigration. This classification, however, is somewhat arbitrary. Thus, for instance, migration from French possessions in Northern Africa into France or from Egypt into Palestine is geographically inter-continental, but in reality such movements have far more in common with continental migration than with the great oversea movements which form the most important part of inter-continental migration.

Reference may be made to another form of migration which is in reality nothing more than temporary migration but which is carried on under special arrangements, namely, the migration of student employees who go for a limited period to another country for the purpose of learning the language and the trade or profession in which they are engaged. This form of migration, which is not a recent one, has been much studied lately, and the increasing tendency towards restrictions



on migration has necessitated the organisation of this movement by agreement. Otherwise it would be practically impossible at the present time for hotel employees, commercial correspondents, etc., to go from one country to another in order to improve their professional qualifications.

A factor of fundamental importance is the occupation of the migrants. Many immigration countries have in the post-war years shown a marked preference for agricultural immigrants, and they have sometimes placed special restrictions on the admission of industrial workers. Agricultural immigrants are of two kinds. There are the settlers who take up land on their own account with the intention of farming it; and there are wage earners who work for farmers and who may or may not ultimately become farmers themselves. If they do not, they frequently drift into the towns and seek industrial employment. Such action is generally resented by the trade unions and sometimes by the Governments of the countries of immigration, as it tends to lead to an overcrowding of the industrial labour market and to a shortage of labour in agriculture.

The following survey, which includes statistics of the actual migration to and from each country up to the last year for which figures are available,<sup>1</sup> gives particulars of countries of origin and destination and of the occupations of the migrants. Continental movements are described first, because it is those movements which have mainly been organised on the basis of international agreements in the past. Inter-continental movements are dealt with afterwards.

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<sup>1</sup> The figures are taken for the most part from *The I.L.O. Year-Book 1934-35*, Vol. II. They are not drawn up on a uniform basis and cannot therefore be compared internationally. For example, the figures refer in some cases, in respect of European continental migration, only to workers and exclude the members of their families, while in other cases the whole migration movement is included.



# CHAPTER I

## CONTINENTAL MIGRATION

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### Europe

#### (a) IMMIGRATION

In Europe the principal country of immigration is France, and indeed the numbers are so large that that country may be considered one of the main immigration countries in the world. Other European countries to which a certain number of migrants have gone in recent years from other parts of the Continent are Austria, Belgium, Denmark, Germany, Great Britain and Northern Ireland, Latvia, Luxemburg, the Netherlands, Rumania, Sweden, Switzerland, and the U.S.S.R.<sup>1</sup>

As might be expected, the movement of migrants has fallen nearly everywhere during the depression, but it is clear from the figures given below that the continental movement in Europe has been on the whole steadier than the inter-continental movement, and this is especially true of agricultural migrants. Continental migration often consists of workers who go into a foreign country to help with the harvest or to do some other temporary agricultural work and who then return home. The demand for labour of this kind continues, even during a depression, and although it can sometimes be met by local labour which was not previously available, that is not always the case. It must also be borne in mind that migrants of this kind, although they cross an international frontier and therefore become emigrants from their own country, may in reality travel only a very short distance from their homes to the place where they find employment.

France felt the effects of the economic crisis later than many other countries, and in 1930 actually registered an increased number of immigrants as compared with the previous year.

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<sup>1</sup> No figures are, however, available for immigration into the U.S.S.R.; in Denmark and the Netherlands the only figures available are those of the whole movement of migrants, both nationals and aliens, continental and inter-continental. Reference to these movements will be found on pp. 37 and 38.



From that time on the number diminished, and in 1932 there was an outward balance, but since then there has been a slight recovery. On the other hand, the introduction of immigrants into Germany has practically ceased since the early part of 1932. This situation is naturally reflected in the statistics of the emigration countries, but in a varying measure. In Italy, for example, there has been an outward balance in every year, whereas in Poland there was an inward balance in 1931, 1932, and 1934. To sum up, it can be said that there are signs of a slight revival as compared with the worst years of the depression, but as long as the economic situation in France remains unsatisfactory there can be no considerable increase in the movement of migrants within the continent of Europe.

### *France*

In the years 1927-1934 the total number of workers introduced into France from other European countries under the supervision of the competent authorities was as follows: <sup>1</sup>

Year	Number of immigrants
1927. . . . .	64,000
1928. . . . .	98,000
1929. . . . .	179,000
1930. . . . .	222,000
1931. . . . .	102,000
1932. . . . .	69,000
1933. . . . .	75,000
1934. . . . .	72,000

It will be seen that the numbers in these years have varied considerably; 1927 was a year of business recession, and immigration was much less than in 1926 (162,000). The numbers were also comparatively small in 1928 and again in 1931-1934. In all these years economic conditions in France were relatively unfavourable, and when the situation improved, during the years 1929 and 1930, the number of immigrants also increased. It is especially striking to note that the number of immigrants in 1930 was larger than in 1929, a symptom of prosperity at a time when practically every other country was in the throes of the depression.

That the movement of migrants into France is largely a temporary one is shown by the following figures of returning migrants repatriated under the supervision of the competent authorities and also the net immigration or emigration:

<sup>1</sup> All figures have been rounded off to the nearest hundred or thousand.



Year	Number of returning migrants	Net immigration (+) or emigration (—)
1927 . . . . .	90,000	— 26,000
1928 . . . . .	54,000	+ 44,000
1929 . . . . .	39,000	+ 140,000
1930 . . . . .	44,000	+ 178,000
1931 . . . . .	93,000	+ 9,000
1932 . . . . .	109,000	— 40,000
1933 . . . . .	49,000	+ 26,000
1934 . . . . .	40,000	+ 32,000

The number of returning migrants varies to some extent in accordance with the economic situation in France. When the situation is favourable it is low; when it is unfavourable it is high. The last column in the above table, which relates to net migration, shows that in 1927 and 1932 there was actually a net outward movement of migrants, and in 1931 a very small net inward movement. In 1933 there was a small net immigration, which increased slightly in 1934. It must be remembered, however, that no great accuracy can be claimed for these figures. For instance, the number of returning migrants is certainly much larger than the number recorded in the statistics.<sup>1</sup>

The principal nationalities of the immigrants are as follows: Belgian, Czechoslovak, Italian, Polish, Portuguese and Spanish. Moreover, after an interval of two years, the immigration of Yugoslavs was resumed in 1929, Germans have been arriving since 1928, and Austrians since 1929. There has been a steady stream of Russian refugees, but the number has, since 1930, fallen off considerably. On the other hand, there has been a considerable immigration of German refugees since 1933; it is estimated that in the summer of 1935 the number of such refugees in France was 10,000.

With regard to the occupations of the immigrants, the following table shows the number of immigrants engaged in industry and agriculture respectively in the years 1927-1934:<sup>2</sup>

Year	Industry	Agriculture
1927 . . . . .	19,000	46,000
1928 . . . . .	36,000	62,000
1929 . . . . .	111,000	68,000
1930 . . . . .	129,000	93,000
1931 . . . . .	26,000	76,000
1932 . . . . .	13,000	57,000
1933 . . . . .	12,000	62,000
1934 . . . . .	11,000	60,000

<sup>1</sup> Official investigations have shown that the number of registered departures represents about one-third of the total number of departures.

<sup>2</sup> The total of these two columns differs in some cases from the figures in the table on the previous page; this is due to the fact that the figures have been rounded off to the nearest thousand.



It will be noted that the number of agricultural immigrants is much steadier than the number of industrial immigrants. The latter fell off very sharply in 1927 and 1928 and again in 1931-1934, at a time of economic depression, while the former declined much less in 1927, practically recovered in 1928 to its former level, and again fell comparatively little in 1931-1934.

In addition to these figures it should be pointed out that each year, and in particular during the post-war period of great industrial activity, some thousands of North Africans entered France to work there as labourers without as a general rule settling down permanently in that country.

### *Other Countries*

The other immigration countries in Europe are much less important from the point of view of the number of immigrants concerned.

In *Austria* the number of immigrants arriving with a permit of employment steadily increased from 5,100 in 1927 to 8,200 in 1930, dropped to 4,800 in 1933, and then recovered to 10,300 in 1934. No statistics of continental emigration are published, but there is no doubt that much of this immigration is purely temporary. In reality, the total number of immigrants is considerably greater than is shown by these figures, as no allowance is made for more than a few of the Czechoslovak seasonal immigrants, who return to Czechoslovakia at the end of each season and who numbered 16,200 in 1930 and 5,400 in 1934. Apart from the Czechoslovaks, the immigrants come mainly from Germany, Hungary, Italy and Yugoslavia. By far the largest occupational group is that of agriculture (sugar-beet cultivation) and forestry, and there is also a relatively large number of theatrical artistes and domestic servants.

In *Belgium* alien immigration has fluctuated violently. It rose from 30,000 in 1927 to 45,000 in 1929 and 1930, and fell to 10,000 in 1933. It is largely a temporary movement, but in spite of the flow back and forth there has been a net immigration every year. In 1927 this amounted to 17,800, rising to 30,600 in 1929 and falling to 1,000 in 1933. In 1934 no distinction is drawn in the statistics between Belgians and aliens. In that year immigration amounted to 14,000 (17,000 in 1933), and emigration to 16,000 (16,000 in 1933). There was, therefore, a net outward balance. The immigrants are mainly from



France, Italy and the Netherlands, and since 1928 from Poland and Yugoslavia as well. The majority of the immigrants are classified under the heading "industrial and commercial" and are engaged mainly in coal mining. In 1930, of a total immigration of 51,000 (including 7,700 Belgians), 29,000 were classified in the "industrial and commercial" group.

In *Germany* there was a considerable seasonal immigration of labourers for agricultural work, but this movement was stopped by the German Government early in 1932. The number of immigrants had already shown a steady decline as the result of administrative measures in Germany from 136,000 in 1928 to 50,000 in 1931. The immigrants came mostly from Poland, Czechoslovakia and Yugoslavia.

In *Great Britain and Northern Ireland* the number of immigrants holding Ministry of Labour permits rose steadily from 7,000 in 1927 to 13,000 in 1931 and then fell to 11,000 in 1932 and 1933. No corresponding figures of emigration are published, but it is known that many of the Ministry of Labour permits are issued for a specified period, often six months, so that the movement is to a large extent a temporary one.

The principal countries from which the immigrants come are Belgium, Denmark, France, Germany, Italy, Norway, Sweden, and Switzerland. With regard to occupation, the Home Secretary stated in the House of Commons on 29 July 1931 that nearly half the permits issued were in respect of female domestic servants.

In addition to the above movement there is a considerable immigration from the Irish Free State into Great Britain of a permanent character. The immigrants congregate to a considerable extent in Liverpool and Glasgow. No official figures are available with regard to this movement, but it is stated in the *Social Survey of Merseyside*, published by the University of Liverpool, that the net immigration of persons from the Irish Free State at that port alone was about 4,800 in 1927, 4,700 in 1928 and 6,000 in 1929.

In *Greece* figures are available only for certain years, and they show an outward balance of aliens of 8,000 in 1931 and 6,500 in 1932.

In *Latvia*, according to the official Bureau of Statistics, the number of immigrants engaged for agricultural undertakings in 1932, 1933 and 1934 amounted to 13,800, 12,400 and 22,900 respectively. The part played by Polish immigration in this



movement increased from 14.7 per cent. in 1932 to nearly 50 per cent. in 1934, while that of Lithuanian immigration decreased from 73.8 per cent. to 40 per cent. during the same period. A high proportion of these workers (more particularly in the case of Polish immigrants) were women.

In *Luxemburg* there are no figures of immigration and emigration, but only of the number of foreigners working in industrial establishments at particular dates. This number increased from 13,400 in 1927 to 15,500 in 1929, and then declined to 6,900 in 1932, and represented 35 per cent. of the total number of workpeople engaged in industry in 1927 and 23 per cent. in 1932. The principal industries concerned are iron and steel and mining. The principal nationalities are Italian (4,800 in 1929 and 1,750 in 1932), and German (4,700 and 2,600).

In *Rumania* the number of immigrants fell from 8,000 in 1929 to 2,400 in 1933 and rose again to 4,300 in 1934, but the number of alien emigrants was greater than the immigration in every year except 1934.

In *Sweden* there is a small but very steady movement. The number of immigrants (nationals and aliens) was 2,800 in 1927 and 2,400 in 1934, and the number of emigrants 1,900 and 1,500 respectively in the same two years.

In *Switzerland* the only figures available are those of residence permits, which are granted to aliens (either from European or non-European countries) either for a limited period of a few months or for an indefinite period. The number of these permits increased from 45,600 in 1927 to 78,500 in 1931, and then declined to 32,100 in 1934.

#### (b) EMIGRATION

Just as France stands out pre-eminent among the countries of immigration in Europe, so Italy and Poland stand out as the most important countries of emigration, and for this reason they are given first place in the following account of the movement.

##### *Italy*

The number of emigrants from Italy from 1928-1934 is shown in the following table:



Year	Number of emigrants	Number of returning migrants	Net emigration
1928 <sup>1</sup> . . . . .	79,000	49,000	31,000
1929 . . . . .	88,000	72,000	16,000
1930 . . . . .	221,000	82,000	139,000
1931 . . . . .	125,000	64,000	61,000
1932 . . . . .	59,000	39,000	19,000
1933 . . . . .	61,000	40,000	21,000
1934 . . . . .	42,000	29,000	13,000

<sup>1</sup> No figures are given for 1927 because the method of compiling the statistics was changed in 1928 and the 1927 figures are therefore not comparable with those of later years.

A notable feature of this table is the sudden increase in emigration in 1930, accompanied by a much smaller increase in the number of returning migrants. This was due to two facts: (1) that from the second half of August 1930 onwards the Italian authorities issued passports to workers without requiring all the documents which had previously been required, and (2) that the economic situation in France was very favourable in that year. In 1931, however, there was a great falling off, which was clearly due in large measure to the less favourable situation in France. Another notable feature is the fact that there has been a net emigration in every year under consideration.

Of the 125,000 emigrants in 1931, 65,000 went with contracts of employment, and were probably temporary emigrants; 33,000 went in response to letters of invitation, and were probably permanent emigrants; and 27,000 were emigrants leaving after a temporary return. In 1934, 9,400 had contracts of employment and 8,400 had letters of invitation. The great majority of the emigrants went to France (342,000 during the four years 1928-1931) and Switzerland (84,000 in the same period). Much smaller numbers went to Algeria, Austria, the Balkan States, Czechoslovakia, Egypt, Germany, Great Britain, Hungary, Tunis and Yugoslavia.

### *Poland*

Polish emigration showed a considerable increase in 1929 and 1930 as compared with previous years, but fell off heavily in 1931, when the number of migrants returning to Poland exceeded the number leaving Poland. In 1932 the inward balance was still greater, and after a slight improvement in 1933 there was again a net inward balance in 1934.



Year	Number of emigrants	Number of returning emigrants	Net emigration (—) or immigration (+)
1927 . . . . .	89,000	73,000	— 16,000
1928 . . . . .	122,000	113,000	— 9,000
1929 . . . . .	178,000	98,000	— 80,000
1930 . . . . .	172,000	93,000	— 79,000
1931 . . . . .	64,000	80,000	+ 16,000
1932 . . . . .	12,000	33,000	+ 20,000
1933 . . . . .	18,000	15,000	— 3,000
1934 . . . . .	22,000	32,000	+ 10,000

The small figures both for emigration and for the return movement in 1932-1934 are explained in part by the complete cessation of seasonal migration to Germany. The other European country to which Polish emigrants have gone in considerable numbers is France, and much smaller numbers go to Belgium and other countries. The relative importance of the movement to France and Germany before the present depression can be seen from the fact that, in 1929, 82,000 Poles emigrated to France and 88,000 to Germany.

#### *Other Countries*

In *Belgium*, in addition to the movement of alien migrants into and out of the country already referred to above, there is also a movement of Belgians, mainly to France and the Netherlands. Since 1927, when there were 13,000 emigrants, the number steadily decreased until in 1933 there were only 5,000. If account be taken of the returning migrants, net emigration of Belgians declined from 4,800 in 1927 to 400 in 1931 and then rose to 1,400 in 1933.<sup>1</sup> In addition to this movement there is also a migration of seasonal workers. For the most part they go to France and work in agriculture and brick yards. The National Emergency Fund estimated the number of these workers in France in April 1932 at about 30,000. There is also a large number of frontier workers, of whom 70,000 obtained frontier cards for work in France in the first six months of 1929.

In *Czechoslovakia* the number of emigrants increased from 23,300 in 1927 to 40,000 in 1930 and then fell off to 9,600 in 1934. Most of these emigrants are seasonal agricultural migrants going to Austria and Germany. Of the remainder, the great majority go to France (10,600 passports issued in 1930 and 1,300 in 1932) and Belgium (4,200 in 1930 and 200 in 1932).

<sup>1</sup> For the 1934 movement, see above, p. 19.



In *Spain* the number of emigrants steadily increased from 8,300 in 1927 to 22,200 in 1930, and the return movement diminished from 12,500 in 1927 to 11,400 in 1930. No subsequent figures are available. There was an outward balance in each year except 1927. The emigrants went mainly to France, and engaged largely in agriculture. There is also a considerable movement of a seasonal nature to and from Algeria. In 1927 there were only 1,240 departures and 1,580 re-entries, but by 1930 the figures had increased to 13,000 and 14,000 respectively.

In *Yugoslavia* the number of emigrants (nationals and aliens) steadily increased from 6,600 in 1927 to 25,400 in 1930, fell to 10,600 in 1931 and 6,600 in 1932, and then recovered to 7,500 in 1933. The movement is a temporary one, mainly to France. There were 7,400 returning migrants in 1930, 10,000 in 1931, 8,200 in 1932, and 4,000 in 1933, so that in 1932 the number of emigrants was less than the number of immigrants.

Other countries from which there is an emigration movement of some importance are: *Bulgaria*, from which 16,000 emigrants (nationals and aliens) departed in 1927, only 5,500 in 1933, and 11,000 in 1934; *Estonia*, which had 1,300 emigrants in 1927 and 300 in 1932 and 1933; and *Finland* (400 in 1927, 170 in 1932, 400 in 1933, and 200 in 1934). In *Greece* there was an inward balance of nationals of 4,500 in 1931, 2,600 in 1932, and 2,800 in 1933.<sup>1</sup>

### America

Both the United States and Canada have received a considerable number of alien immigrants from American countries. The migrants go largely from Canada and Mexico to the United States, and there is also a movement from the United States to Canada. In addition to these movements, there is an immigration movement into Cuba. In the other American countries the statistics do not as a rule distinguish between continental and inter-continental migrants, but the continental migration is in any case very small in comparison with the oversea migration. The number of migrants has declined greatly during the depression and there is no sign of a revival at the present time.

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<sup>1</sup> Figures for Sweden are given on p. 21.



## United States

The total number of immigrants from Canada, Newfoundland and Mexico has shown a steady decline since 1927:

Year	Number of immigrants
1927. . . . .	147,000
1928. . . . .	119,000
1929. . . . .	95,000
1930. . . . .	49,000
1931. . . . .	12,000
1932. . . . .	9,000
1933. . . . .	8,000

These figures probably underestimate the number of immigrants, partly because a certain number of persons who should be counted as immigrants are in fact counted as non-immigrants (persons who are admitted in transit or for temporary visits and who fail to depart), and partly because a considerable number of immigrants are known to have entered the United States surreptitiously. The decline in 1928 was due to a change in the regulations, while in subsequent years the principal cause was the economic crisis, which led fewer migrants to cross the frontier, while at the same time the regulations were applied much more strictly.

Of the two principal countries from which the immigrants come, Canada furnished the larger contingent. This can be seen from the fact that, in the year ending 30 June 1928, 73,000 alien immigrants arrived from Canada and 59,000 from Mexico; in 1928-1929, 64,000 and 40,000 respectively; and in 1929-1930, 63,000 and 13,000 respectively.

By definition, all persons registered in the United States statistics as immigrants intend to stay for at least twelve months in that country, and in fact it is estimated that about 95 per cent. of the recorded Mexican immigrants come within this definition. But it is quite certain that a large number of Mexicans also remain in the country a shorter time than that, engaged in seasonal work of some kind, and then return to their own country; by no means all the seasonal workers, however, return to Mexico at the end of the season. Some of them drift into the towns and find odd jobs there until the following season. The immigration figures take practically no account of the seasonal movement. On the other hand, figures are also published showing the number of non-immigrants arriving. These non-immigrants include persons admitted temporarily who fail to present proof of departure within the time limit



allotted to them. They also include, however, other groups of persons who are not immigrants at all. It is practically impossible, therefore, to arrive at a correct figure for Mexican immigration in the United States, and the same thing applies to the Canadian movement.<sup>1</sup>

The emigration figures are necessarily even less reliable than the immigration figures, because many people who should be included in the statistics cross the frontier without being registered. It is, however, known that there has been, during the depression, a very large return movement to Mexico of non-seasonal migrants. According to Mexican statistics, the number of Mexicans returning to Mexico from the United States during the years 1929, 1930, and 1931 was about 260,000.

There is also a considerable movement of "border-crossers" (persons residing in Canada and working in the United States) not included in the above statistics. In the fiscal year ending 30 June 1931, 200,000 aliens were in possession of border-crossing cards.

With regard to occupation, the Mexican immigrants consist very largely of unskilled labourers, who work in agriculture, on the railways, etc. On the other hand, a considerable number of skilled workers enter the United States from Canada, and this group is, in fact, the largest single group among the occupations recorded. Thus, of the 107,000 immigrants who arrived in the year ending 30 June 1929, apart from 49,000 "others" (including wives and families), 20,000 were recorded as skilled workers and 17,000 as labourers.

## Canada

Canada receives a certain number of alien immigrants from the United States, the great majority of them being United States citizens by birth.

Year	Number of alien immigrants
1927. . . . .	24,000
1928. . . . .	30,000
1929. . . . .	32,000
1930. . . . .	26,000
1931. . . . .	15,000
1932. . . . .	14,000
1933. . . . .	8,000
1934. . . . .	6,000

<sup>1</sup> Cf. Paul S. TAYLOR: *Mexican Labor in the United States: Migration Statistics*, I and II. Two pamphlets issued by the University of California Press.



No emigration figures are published, but there is certainly a large outward movement. The largest occupational group among the immigrants is the farming class, but a considerable number of mechanics are also included.

### *Cuba*

Immigration into Cuba consists of a temporary and to a large extent seasonal movement of Jamaicans and Haitians for the sugar-cane harvest. The crisis, which has affected Cuba severely, has led to a virtual cessation of this movement. In 1927 there were 18,600 immigrants, the number falling to 6,300 in 1929 and to 400 in 1934.

### Other Continents

With rare exceptions, the internal labour migrations of other continents are those of primitive unskilled labourers, the protection of whom, as far as recruiting is concerned, is on the agenda of the 1936 session of the Conference.<sup>1</sup>

In *Asia* the most important movements are those of Indian labour to Ceylon and Malaya and of Chinese labour to Malaya for employment on the plantations. Some idea of the extent of this migration may be gathered from the following figures:

Indian immigration into *Ceylon* amounted to 285,000 in 1927, but gradually decreased to 121,000 in 1933, while the return movement to India increased from 211,000 in 1927 to 242,000 in 1929, falling to 172,000 in 1932 and then rising to 179,000 in 1933. In each of the years 1929 to 1933 emigration exceeded immigration in consequence of the reduction of labour effectives as a result of the economic crisis.

In the last few years immigration into *Malaya* has been mainly Chinese: in 1928, for example, the figures were 296,000 Chinese and 63,000 Indians. The combined figures for Chinese and Indian immigration into Malaya amounted to 515,000 in 1927, but had declined to 48,000 in 1933, while emigration which amounted to 244,000 in 1927, rose to 320,000 in 1930,

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<sup>1</sup> Cf. INTERNATIONAL LABOUR OFFICE: *The Recruiting of Labour in Colonies and in other Territories with Analogous Labour Conditions*. Geneva, 1935.



falling to 120,000 in 1933. In Malaya emigration exceeded immigration in each of the years 1930 to 1933.

In *Africa* continental migration is mainly confined to native labour, but it is of interest to note that there is also the beginnings of a migratory movement of European labour from the Union of South Africa to the Rhodesias, Tanganyika, etc.

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## CHAPTER II

### INTER-CONTINENTAL MIGRATION

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The principal countries of inter-continental immigration are Canada, the United States and Mexico in North America, Argentina and Brazil in South America, Australia, New Zealand, the Union of South Africa, and Palestine. There are, of course, others, for there are innumerable movements of population from country to country, and a complete picture would have to deal with practically every separately governed territory in the world. In this short survey that is impossible, and we have had to confine ourselves to a very brief and rather impressionistic account of the more important currents that flow from continent to continent. In some of these countries the distinction between continental and inter-continental movements is rather blurred. While such a distinction is particularly easy to make in Europe and in North America, and in parts of Asia and Africa, it is much less easy to make in South America and in Oceania. In the former case this is partly due to the fact that the statistics themselves are not always quite adequate, but it is due also to the fact that many immigrants classified as coming from neighbouring countries are in reality European immigrants who landed in the neighbouring country and proceeded by land or river to their destination. In Oceania there are only two important countries, namely, Australia and New Zealand, and it has seemed useless to consider the movement between those two countries, which lie at a considerable distance from each other, as something fundamentally different from the movement of Europeans to those countries.

#### (a) IMMIGRATION

The story of the last few years is similar in nearly every one of the countries considered, namely, a falling immigration and a rising return movement of migrants, leading, in the trough of the depression, to an actual loss of population in the immigration countries. But there are differences. In Australia, New Zealand and Canada, the decline set in earlier than elsewhere.



In the United States the decline started at the end of 1929, but this was due at first quite as much to the introduction of a new quota system, based on national origins, as to the economic situation. This decline had the effect of stimulating migration to South America, and both Argentina and Brazil had a larger immigration in 1929 than in the years preceding it. But the growing economic crisis then led to a continual falling off in immigration in subsequent years.

Such signs of recovery as exist appeared first in Australia (1932), then in Brazil (1933) and still later in Canada and South Africa (1934). The improvement in all these countries remains small.

An exception to every rule is to be found in Palestine, where immigration was at a very low point in 1927 and a very high one in 1934. The economic crisis elsewhere induced more and more Jewish migrants to leave their former homes for Palestine, and more and more of them were allowed to enter that country.

It is of interest to note that immigration to the United States is predominantly from Northern and Western Europe, together with a fairly large contingent from Italy; to Canada it is mainly British, but otherwise comes from all parts of Europe; to Australia and New Zealand it is almost entirely British; and to South America it is mainly from Southern and Eastern Europe. This grouping is partly the effect of natural forces, but partly the result of Governmental measures, particularly in the United States and the British Dominions.

As to occupation, the immigrants in the United States and Palestine were largely engaged before their migration to these countries in industry and commerce; those in the other countries mentioned were for the most part agriculturists, both farmers and labourers.

### *North America*

The immigration current in Canada was fairly steady from 1927 to 1929, varying between 133,000 and 137,000, while in the United States it varied between 170,000 and 177,000. In the years 1930 to 1933, however, there was a heavy falling off, and in 1933 there were only 5,900 immigrants in Canada and 15,000 in the United States (largely consisting of the wives and families of aliens already established in the country). In 1934 there was a slight recovery in the movement to Canada,



the number of immigrants rising to 6,400. In Mexico no statistics are available for 1927, and the basis on which they are compiled has been changed more than once in recent years. But the decline in immigration seems to have started there in 1929, and by 1933 the total number of immigrants had fallen to 500.

At the same time the emigration of aliens from the United States, which was about 69,000 in 1927 and 1928, fell to 42,000 in 1929, and increased to 66,000 in 1932. In 1933 it fell again to 40,000. In Mexico emigration was lower in 1930 than in 1929, but it increased in 1931, and then fell to 900 in 1933. In Canada there are no emigration statistics.

The result of these two movements is that net immigration, which amounted to 108,000 in the United States in 1927 and to 132,000 in 1929, became a net emigration of 24,000 in 1931, 47,000 in 1932, and 25,000 in 1933. Similarly, in Mexico, where net immigration in 1928 was about 2,700 (nationals and aliens), emigrants exceeded immigrants in 1932 by 2,300 (aliens only).

The immigrants to the United States have in recent years come mainly from Northern and Western Europe, for, since 1921, such immigrants have, under the Quota Acts, been subject to less numerical restriction than those from other parts of Europe. The new system of national origins introduced on 1 July 1929 maintained this general tendency, but the proportions of individual countries were changed. The first year of the new system was also the first year of the crisis (the twelve months ending 30 June 1930), but the immigration movement had not by that time been seriously affected. In that year the immigrants came mainly from Great Britain (36,000), Germany (27,000), Italy (22,000), the Irish Free State (18,000), Poland (9,000), Sweden (3,000) and Norway (2,600).

Although there is no quota system in Canada, there is effective preference for immigrants from Great Britain and to a smaller extent from other countries of Northern and Western Europe. In fact, however, the latter group were outnumbered by immigrants arriving from Southern and Eastern Europe. In the year ending 31 March 1930, there were about 64,000 British immigrants, 30,000 from Northern and Western Europe, and 38,000 others.

The United States gave no preference to any particular occupation, and a large proportion of the immigrants were



industrial workers, as might be expected, considering the countries from which most of them came and the prosperity of American industry up to the time of the crisis. In the year ending 30 June 1930, the largest group was that of skilled workers (28,000), followed by servants (23,000) farm labourers (11,000), other labourers (9,000), professional men and women (5,600) and farmers (5,300).

In Canada, on the other hand, where special restrictions were placed on the immigration of industrial workers and special assistance was given to British agricultural immigrants, the farming class formed by far the largest group (62,000 out of 133,000 in the year ending 31 March 1930), followed by that of female domestic servants (18,000).

### *South America*

The principal countries of immigration in South America are Argentina and Brazil. Both these countries publish statistics of second and third-class passengers arriving and departing.<sup>1</sup>

In Argentina the number of such passengers arriving in 1927 was 162,000. It then fell to 129,000 in 1928, rose to 140,000 in 1929, and then fell rapidly to 26,000 in 1934. In Brazil there was a similar development, the figures being 98,000 in 1927, 78,000 in 1928, 96,000 in 1929, 22,000 in 1932, rising to 46,000 in 1933 and 1934.

On the other hand, the outward movement from Argentina steadily increased from 54,000 in 1928 to 68,000 in 1930, and then fell to 40,000 in 1933. In 1932 and 1933 there was an outward balance amounting to 11,600 and 10,400 passengers respectively. In Brazil the outward movement (including nationals) steadily increased from 40,000 in 1928 to 54,000 in 1930, then falling to 23,000 in 1934. In 1931 there was an outward balance of 7,000 passengers (including nationals), in 1933 the inward and outward movements were practically equal, and in 1934 there was an inward balance of 28,000.

Immigrants in Argentina come mainly from Italy and Spain, the total number of Spaniards arriving in the three years 1929 to 1931 being 94,000, and of Italians 81,000. Then come the Poles, with 46,000 immigrants in the same period. Polish immigration is, however, much more stable than that of

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<sup>1</sup> The figures below include both continental and inter-continental migration of aliens.



Spaniards and Italians, and a much larger proportion of the latter return to their countries of origin.

Brazil, on the other hand, has always received a large number of Portuguese, who numbered 34,000 in 1929, 19,000 in 1930 and 9,000 in 1934, and for some years there has been a steady stream of Japanese (11,000, 14,000 and 22,000 in the same years). Other nationalities prominently represented among the immigrants are Poles (about 5,000 in each of the years 1929 and 1930), German (about 4,000), Italian (5,500 and 4,000) and Spanish (4,000 and 3,000). The quota system, which came into force in 1934, may have the effect of diminishing the number of Japanese immigrants in the future.

The immigrants in Argentina and Brazil engage for the most part in agriculture.

### *Australia and New Zealand*

In Australia the stream of immigrants (including nationals) started to diminish in volume at an earlier date than in other immigration countries due, no doubt, to the fact that the economic crisis made its appearance there sooner than elsewhere. From 1927, when there were 67,000 immigrants,<sup>1</sup> until 1931, when there were only 9,400, there was a steady decline, but from 1932 onwards there was a slow increase, the number reaching 11,800 in 1934. In New Zealand the number of immigrants fell from 11,000 in 1927 to 6,000 in 1928, remained fairly steady for three years, and then declined again to 1,400 in 1933.

The number of returning emigrants rose slowly in Australia from 18,000 in 1927 to 28,000 in 1930, since when it has declined rapidly, and in 1934 about 12,000 emigrants left Australia. In New Zealand the movement of returning emigrants has not followed an exactly similar course. The number (including nationals) declined steadily from 4,100 in 1927 to 2,400 in 1930, and only then started to increase until it reached 3,200 in 1933.

The result of these two movements is a net immigration in Australia of 49,100 in 1927, falling to 9,800 in 1929, and a net emigration of 10,200, 12,400, 4,800, 1,500 and 400 in the five following years. In New Zealand there was a net immigration of 7,200 in 1927, which fell to 544 in 1931 and became a net emigration of 1,400 in 1932 and 1,800 in 1933.

<sup>1</sup> The total migration movement, both continental and inter-continental, is considered here as one movement.



The great majority of the immigrants in both countries come from Great Britain and British possessions; the numbers in Australia, exclusive of those from New Zealand, being 36,000 out of 45,000 in 1928 and 24,000 out of 30,000 in 1929, and the numbers in New Zealand being 4,400 out of 6,300 in 1928 and 3,900 out of 6,300 in 1929. The foreign immigrants in Australia were largely Italians, who numbered 9,000 in 1927, 3,600 in 1928 and 2,400 in 1929.

The largest occupational group in Australia is the "primary" group, but it should be understood that this group includes not only those engaged in agriculture and fisheries, but also those engaged in mining. The majority, however, are engaged in agriculture. The second largest group is the industrial group, but this was declining, not only absolutely but relatively, even before 1929. In 1927, 17,000 immigrants were recorded in the primary group, 12,000 industrial, 7,000 domestic, and 24,000 dependants, while in 1929 the corresponding figures were 7,000, 3,700, 2,800 and 13,000.

In New Zealand the largest group among the male immigrants in 1927 was the agricultural and pastoral group, and there was an almost equally large group of industrial immigrants. Among the female immigrants the most numerous group was that of persons engaged in personal and domestic service.

### *South Africa*

Immigration into South Africa is comparatively small, the number arriving being 7,300 in 1927 and 8,800 in 1929, after which it declined to 3,600 in 1933. In 1934 it rose to 4,700. The number of returning emigrants, which was exceptionally low in 1929 (2,900), increased to 4,500 in 1932, fell to 2,600 in 1933 and then rose to 4,400 in 1934. There has been a net immigration in every year under consideration except 1932.

While British immigrants form the largest group, they are by no means the majority of the total number of immigrants. Moreover, there are about as many British emigrants as immigrants, so that net British immigration is very small, and has in a number of years been turned into a net emigration. In 1929, for instance, the number of British-born immigrants exceeded the number of British-born emigrants for the first time since 1926, and even then the net immigration was only 290. Apart from the British, a considerable number of immigrants came from Lithuania in the years 1927-29.



The largest occupational group is the industrial group, followed by the commercial. The number of agriculturists is comparatively small.

### *Asia*

The principal current of migration flowing towards Asia ends in Palestine. This movement can best be studied by considering the total number of alien immigrants and emigrants, whether they come from Asiatic countries (continental migration), or from other continents (inter-continental migration). Immigration has fluctuated considerably in recent years. From about 3,500 in 1927 and 3,000 in 1928, it rose to 6,600 in 1929, declined to 5,500 in 1931, and then rose rapidly to 44,000 in 1934. Against this must be set the outward movement, which was greater than the inward movement in 1927 (4,700), but was considerably smaller in every subsequent year up to 1931, since when no figures are available.

The sources of Palestine immigration are very varied and include countries in all parts of the world. Of the 11,000 immigrants in 1932, 6,000 came from Europe (including 3,000 from Poland), 3,000 from Asia (including 1,000 from Iraq), 500 from Africa (including over 400 from Egypt), 1,000 from America (including 900 from the United States), and a very small number from Australia and New Zealand. About 9,600 of the immigrants were Jews, 1,500 Christians, and 200 Moslems. In 1933, 43.3 per cent. of the Jewish immigrants came from Poland and 17.8 per cent. from Germany.

Of the Jewish immigrants in 1933, 62.5 per cent. were workers, 21.8 per cent. had a capital of not less than £P1,000, 1.5 per cent. had a capital of £P250 to £P990, and the remainder were students, persons with no specified occupation, etc. The above percentages include dependants.

### (b) EMIGRATION

When we turn to the situation in emigration countries we naturally find that it resembles the situation in the immigration countries. Emigration has declined and the number of returning migrants has increased to such an extent that the result has been a net inward balance in practically every country. Two exceptions are Greece and Poland, oversea emigration from



those countries having exceeded immigration in every year under consideration.

As to occupation, the majority of the emigrants are engaged in agriculture, because agricultural migrants are more in demand than industrial migrants, and because many of the countries with the largest emigration are themselves agricultural countries to a large extent. On the other hand, it is natural that the emigrants from certain industrial countries such as Great Britain, Germany and Austria, include a great many industrial workers. Great Britain and the Irish Free State also send out a large number of domestic servants.

### *Northern and Western Europe*

The principal country of oversea emigration in Europe is *Great Britain and Northern Ireland*. With the exception of a temporary recovery in 1929, however, the number of emigrants steadily decreased from 154,000 in 1927 to 26,000 in 1933, and then recovered slightly to 29,000 in 1934. Similarly, with the exception of a temporary falling-off in 1929, the return movement of migrants steadily increased from 56,000 in 1927 to 76,000 in 1932. It then declined to 50,000 in 1934. In 1931, for the first time, the number of returning migrants exceeded the number of emigrants (37,000 in 1931, 49,000 in 1932, 33,000 in 1933 and 21,000 in 1934).

Special efforts are made to induce emigrants from Great Britain to go to the Dominions, and in 1927 not less than 123,000 out of 156,000 went to other parts of the Empire (56,000 to British North America and 41,000 to Australia), and 26,000 to the United States. In 1930, the last year of net emigration, 59,000 went to other parts of the Empire (31,000 to British North America and 8,500 to Australia), and 27,000 to the United States.

Until 1930 skilled workers in various trades formed the largest group, amounting to 18,500 in 1927; agriculturists the second, amounting to 14,400; and domestic servants the third, amounting to 13,000. The large number of agriculturists and domestic servants was mainly due to the special demands of the Dominions for these types of migrants.

Emigration from the *Irish Free State* experienced an even steeper decline than that from Great Britain. While it amounted to 27,000 in 1927, it fell to only 800 in 1932. It then recovered to 1,000 in 1934. The return movement increased from 1,900



in 1927 to 4,000 in 1932, and then declined to 1,700 in 1934. The number of returning migrants exceeded the number of emigrants in 1931 (1,900), 1932 (3,200), 1933 (1,700), and 1934 (700).

The destinations of Irish emigrants are much less varied than those of emigrants from Great Britain, and that probably explains the steeper decline in the emigration movement during the crisis. Irish Free State emigrants go almost entirely to the United States (24,000 out of 27,000 in 1927 and 14,000 out of 16,000 in 1930).

The Irish Free State emigrants include a large group of domestic servants, numbering 5,800 in 1930, while among the male emigrants the number of agriculturists far outnumbers those in industrial occupations (4,600 agriculturists out of 7,000 male emigrants in 1930). This is natural in view of the predominant position of agriculture in the Irish Free State.

*Germany* may conveniently be considered next, as having the second largest emigration of those countries whose emigrants go mainly to North America. Emigration declined steadily from 61,000 in 1927 to 10,000 in 1932 and then slightly recovered to 14,000 in 1934.

A large majority of the emigrants in the pre-depression years went to the United States (38,000 out of 48,000 in 1929) and much smaller numbers to Canada, Argentina and Brazil.

In consequence of the overwhelming importance of the United States for German emigration, the largest occupational group is that of industry and mining, and agriculture comes second. A considerable number of emigrants were engaged in commerce and trade, and in domestic service.

Consideration may next be given to the two western countries of *Belgium* and the *Netherlands*. As a matter of fact, neither of these countries has a very large migration movement, at any rate if net migration be considered. In *Belgium* there were 3,500 emigrants in 1927 and 1,300 returning migrants; emigration exceeded immigration in every year except 1931, 1932, and 1933.

In the *Netherlands* figures are available only for the whole movement of emigrants, both nationals and aliens, continental and intercontinental. In 1927 there were 50,000 emigrants and 52,700 immigrants. Then emigration increased until it reached a figure of 63,000 in 1930, but the return movement increased still faster, with the result that every year from 1927 to 1933



has shown an excess of immigrants over emigrants. In 1934 there were 46,000 emigrants and 45,500 immigrants.

Coming now to the Scandinavian countries, the total emigration movement from *Denmark* stood at about 11,600 in 1929, increased to 16,300 in 1931 and then dropped to 12,100 in 1933; in *Norway* emigration in 1928 was already considerably less than in 1927 (8,800 as compared with 11,900), and then, after remaining steady for two years, dropped rapidly to 406 in 1933, and recovered to 485 in 1934; in *Sweden*, as in *Denmark*, emigration remained steady at about 11,000 in 1927 and 1928, fell to 650 in 1932, and then rose to 900 in 1933 and 1934. Sweden is the only one of these countries which publishes statistics of returning migrants, and they show that whereas net emigration was as high as 8,000 in 1927, the tide had turned by 1930, when there was a net immigration of 900. This increased to 4,500 in 1931, 5,800 in 1932, and then fell to 4,000 in 1933, and 2,400 in 1934.

A very large majority of the emigrants from these countries go to the United States and Canada. Thus, in 1929, of the 6,000 Danish emigrants, 2,700 went to the United States and 3,000 to Canada; of the 8,000 Norwegian emigrants 5,000 went to the United States and 2,600 to Canada; and of the 9,000 Swedish emigrants 7,000 went to the United States and 1,900 to Canada.

The emigration from those countries is, to quite a large extent, agricultural, as might be expected both from the agricultural character of the countries themselves, and from the strong demand for agriculturists in Canada. No less than 50 per cent. of the Norwegian emigrants and 40 per cent. of the Swedish emigrants in 1929 were agriculturists, while 20 per cent. of the Swedish emigrants were engaged in industry and handicrafts.

#### *Central Europe (Austria, Czechoslovakia, Hungary, Switzerland)*

Of these four countries *Czechoslovakia* has the largest emigration movement, the number of emigrants in 1927 and 1928 being about 15,000, and against this must be set a return movement amounting only to 3,000. By 1932, however, there were only 1,600 emigrants and 2,600 returning migrants. In 1934 there were 2,400 emigrants and 550 returning migrants. In *Austria* emigration decreased from 5,300 in 1927 to 1,400 in 1933, and then recovered to 2,200 in 1934; in *Hungary* it declined



from 5,600 in 1927 to 700 in 1932, afterwards rising to 870 in 1934; and in *Switzerland* total continental and inter-continental emigration fell from 8,300 in 1929 to 4,100 in 1934. None of these countries publishes statistics of returning migrants.

With regard to destination, the Czechoslovak and Austrian emigrants go mainly to Canada, Argentina, and the United States. Hungarian emigrants go mainly to Canada (62 per cent. in 1929). A large proportion of Swiss emigrants go to the United States (50 per cent. in 1929) and much smaller numbers to Africa (country not specified), Argentina, Brazil and Canada.

The Czechoslovak emigrants are largely engaged in agriculture and forestry (56 per cent. in 1929). The Austrian emigrants are more equally divided between agriculture and forestry and industry (29 per cent. and 20 per cent. respectively in 1929), and the Swiss emigrants are engaged in agriculture (30 per cent. in 1929), and industry (20 per cent. in 1929). The Hungarian emigrants are largely agriculturists, although no figures are available.

### *Eastern Europe*

The most important country of emigration in Eastern Europe is *Poland*, where emigration rose from 58,000 in 1927 to 65,000 in 1929, fell to 9,700 in 1932, and then rose to 21,000 in 1934. The return movement rose from 6,800 in 1927 to 7,600 in 1930, but then fell to 2,300 in 1934. The number of returning migrants has never exceeded the number of emigrants.

Polish emigrants go mainly to Argentina and Canada (21,100 and 21,700 respectively in 1929), and a considerable number also go to Brazil and the United States (8,700 and 9,300 respectively in 1929). The great majority of the emigrants are engaged in agriculture.

Of the three *Baltic* countries of Estonia, Finland and Lithuania, the most important from the migration point of view is *Lithuania*, the number of emigrants being 18,000 in 1927, including a few aliens, 960 in 1932, and 1,500 in 1934. In *Finland* there were 5,700 emigrants in 1927; in 1934, however, there were only 200. *Estonia* has only a very small emigration, amounting to 1,000 in 1927, 60 in 1932, and 110 in 1933.

Practically all the Finnish emigrants went to Canada (5,000 out of 6,000 in 1929). The Lithuanians, however, went mainly to South America (6,000 to Argentina and 4,500 to Brazil, out of a total of 16,000 in 1929).



Finnish emigrants are to a large extent farmers (2,600 in 1929) and the majority of those from Lithuania are engaged in agriculture (66 per cent. of all emigrants in 1929).

### *Southern Europe*

Of the south-eastern countries (Bulgaria, Greece, Rumania and Yugoslavia), *Yugoslavia* has the largest emigration. It amounted to 19,500 in 1927, but dropped to 1,400 in 1933; the number of returning migrants, which amounted to only 3,700 in 1927, rose to 7,600 in 1931, and then fell again to 3,100 in 1933. In 1931, 1932 and 1933 the number of immigrants exceeded the number of emigrants. In *Greece* emigration amounted to 10,300 in 1931, 13,600 in 1932 and 10,800 in 1933; in each of these years there were about 8,000-9,000 returning migrants so that there was a steady outward balance. In *Rumania* the number of emigrants rose from 8,000 in 1927 to 12,700 in 1929, declined to 1,100 in 1933 and then recovered to 1,400 in 1934; there were 3,000 returning migrants in 1927, but only 900 in 1934. The outward balance in 1931 was very small (about 150) and in 1932 and 1933 there was an inward balance. In *Bulgaria* the movement was very small, amounting to 1,400 in 1927, 2,900 in 1929, 130 in 1932, and 190 in 1933.

Yugoslav emigrants go mainly to Argentina, Canada, and the United States (7,500, 5,900 and 4,800 respectively in 1929). There is also a smaller movement to Uruguay. The Rumanians go mainly to the same countries, but in different proportions (5,500 to Canada, 2,200 to Argentina, and 2,000 to the United States in 1929).

Nearly 75 per cent. of the Yugoslav emigrants are agricultural labourers; the Rumanian emigrants are mainly agricultural labourers and domestic servants.

Of the southern and south-western countries the principal one is *Italy*. The number of emigrants from that country decreased steadily from 71,000 in 1928 to 22,000 in 1933. It rose slightly to 26,000 in 1934. There is also a large return movement, amounting to 50,000 in 1928 and 21,000 in 1934. Immigration exceeded emigration in 1931, 1932 and 1933.

Practically all the emigrants go to Argentina and the United States (23,000 and 31,000 respectively in 1929 out of a total of 62,000). They are mainly engaged in agriculture.

The number of emigrants from *Spain* was 47,000 in 1927, increased to 63,000 in 1929 and then declined to 7,000 in 1933.



The number of returning migrants, which was 41,500 in 1927, increased steadily to 54,000 in 1931, and then fell to 48,000 in 1933. There was an inward balance in 1931, 1932 and 1933. The majority of the Spanish emigrants go to Argentina (35,500 in 1929) and smaller numbers to Cuba and other South American countries. They are mainly agricultural workers.

In *Portugal* the number of third-class passengers was 27,000 in 1927, rose to 31,000 in 1929, and then fell to 8,000 in 1932; the number of arriving passengers was only 13,500 in 1927, rose to 16,000 in 1930, and fell to 10,800 in 1932. There was an inward balance in 1930, 1931 and 1932. The main country of destination is Brazil (30,000 in 1929) and much smaller numbers go to Argentina and the United States (3,900 and 1,400 respectively in 1929).

There is a relatively large movement from *Malta* and *Gozo*, which amounted to 2,600 in the year ending 31 March 1928, but which fell to 960 in 1931-1932. It then recovered slightly to 1,100 in 1933-1934. The number of returning migrants was 1,900 in 1927-1928 and 750 in 1933-1934. There was an outward balance in every one of the years considered. The principal country of destination is the United States.

### *Asia*

The only Asiatic country which is important as a source of oversea emigration and for which statistics are available is *Japan*. The number of emigrants from that country, which was 13,700 in 1927, rose to 21,000 in 1929, fell to 6,800 in 1931, and rose again to 16,000 in 1932. This movement consists largely of agricultural settlers going to Brazil: from less than 5,300 in 1931 the total of Japanese emigrants to Brazil increased to about 25,000 in 1933.

There is also a relatively important oversea emigration movement from Syria and Lebanon. In 1927, 9,400 persons emigrated from this mandated territory and in 1928, 14,000; these totals decreased progressively to 1,600 in 1932, but rose again to 2,500 in 1934.







## PART II

### RECRUITING AND PLACING

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#### CHAPTER I

#### GENERAL PRINCIPLES

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In connection with the recruiting and placing of workers as with migration generally, a fundamental question of principle arises: whether there is to be freedom or regulation of migration; in other words, whether the movements of workers should be entirely unrestricted or organised systematically. This, however, involves another question: whether the interests of the parties concerned, i.e. migrating workers, employers, immigration countries and emigration countries, are sometimes conflicting and if so, how can they be reconciled?

#### FREE MIGRATION AND ORGANISED MIGRATION

The problem is complex, and before attempting to resolve it as a whole it would be better to examine the details so as to ensure that no misconceptions obscure the analysis of the various methods followed and the solutions adopted. Here a preliminary remark is necessary: free migration and organised migration are most frequently combined, and the extent to which each of these systems is adopted in the different countries varies with circumstances. The world economic depression has led to a substantial strengthening of the regulations already in force and the adoption of new regulations in countries where the public authorities had previously more or less abstained from any control of the streams of migration. This development has been very general, and even countries like those of South America, whose constitutions proclaim the complete liberty of migration, have been led to impose certain restrictions on immigration.



Another outstanding feature of the present situation can be seen in the measures taken directly by the parties concerned (i.e. employers and workers) for the better co-ordination of demand and supply on the employment market. Although it has not entirely vanished, the emigration of workers relying upon their good fortune alone to find a living in a foreign country, a type of emigration that played so large a part in the movements of the last century, is steadily losing importance. The great majority of continental and even oversea emigrants who leave home at the present time go to join a relative or a friend who can find them a livelihood, or have been engaged by an employer or have received a specific promise of employment. Similarly, the activities of professional recruiters, while they have not yet entirely ceased, are gradually shrinking, not only because of statutory prohibitions, but also because of the employers' desire to have the workers they need selected, not by independent recruiters, but by their own agents, or failing them by bodies with which they are permanently in touch.

If we wish to set out systematically the present methods of recruiting and placing migrant workers, leaving out of account the special circumstances of time and place, we can distinguish three different classes in order of increasing organisation and decreasing individual initiative.

In the first class would fall movements of workers who had already emigrated at least once to the same country and of those invited by a relative or another person who assumes responsibility for their maintenance. Broadly speaking, this type of migration, which includes women and young persons and also professional and skilled workers whose special qualifications meet a definite and permanent need in the country of destination, is, owing to its individual character, the least subject to emigration or immigration regulations, and, except in cases of acute and general depression, entails the smallest risk both for the emigrants and for the employment market. It is common knowledge that even when a country is experiencing serious economic depression there are always vacancies in certain special trades that cannot be filled by workers on the spot, either because of inadequacy of vocational guidance in the country concerned or because of under-population. And, lastly, when the acuteness or duration of a depression leads a Government to reduce the number of immigrant workers belonging to such classes, it has recourse not so much to measures



restricting immigration, as to measures restricting employment of aliens already admitted.<sup>1</sup>

Although for the emigrants belonging to the class mentioned in the preceding paragraph an authorisation is often not required in normal periods, or at least any authorisation required does not in the majority of cases specially refer to the situation of the employment market in a specific trade or district, the position is frequently quite different in the case of movements of small groups, single families, or even single persons as a result of contracts of employment or labour treaties or agreements, or both. Whether the employer desires the presence of the foreign worker or whether the worker desires authorisation to emigrate and take up a promised post abroad, some authorisation such as, for example, the visa of one of the two countries concerned is generally required. This method has recently become more common and in particular has been used in the bilateral labour treaties concluded by France with various other European countries. The regulations governing movements of this kind, however, leave the parties concerned a good deal more latitude than is the case with collective movements. Doubtless in the most recent treaties this latitude is considerably less than in the treaties of 1919, which granted every facility for the recruiting and placing of workers emigrating singly, subject to the sole reservation that any contracts that might be given would not be valid if they contained any clause contrary to the principles of the treaty. But between the two kinds of migration — individual and collective — a distinction is drawn even by the bilateral treaties concluded by France in 1930-1932, for they provide that *individual* (in respect of a single worker) and *nominal*<sup>2</sup> (in respect of a worker specifically named by his future employer) applications or contracts may, in contrast to the procedure laid down for *collective* (in respect of a number of workers) and *numerical* (leaving the names of the worker or workers blank) applications or contracts, be sent either directly or through the employer to the workers applied for. This has led to a system of examination under the supervision of the authorities of the emigration country, and of selection by French representatives, which is always applied to workers recruited in-

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<sup>1</sup> These measures are outside the scope of this report.

<sup>2</sup> This is a translation of the French word "*nominatif*", and on the analogy of "nominal lists" used in the Army seems to be the most suitable word.



dividually or by name. In any case, the procedure followed by certain countries of immigration and emigration for emigrants recruited individually has often had the advantage of being more expeditious and less costly both for the emigrant and for his future employer. The simplified procedure applied to individual emigration is also to be explained by the fact that a worker who emigrates alone or with his family has often more initiative, greater experience, or higher skill than the emigrant recruited collectively. Also it would seem easier to co-ordinate supply and demand when only a single worker or a single family is under consideration at a time.

The emigration countries have frequently shown some opposition to this method of recruiting and have at times restricted its application, although without abolishing it completely. For some time the general policy of the Italian Government, for instance, was no longer to allow a foreign employer to name the Italian subject whom he wished to engage. At the present time, however, the Government allows recruiting for abroad in response to application (individual or collective) for specifically named workers, or to collective applications for specific numbers.

Moreover, even at times when the economic policies of various countries are strongly nationalistic, international exchanges of workers in specifically defined cases for vocational training in trades is more or less international in character. This is the reason for bilateral agreements providing for exchanges of limited numbers of student employees. Such agreements have been concluded between many European countries and they usually stipulate that such exchanges of young workers shall take place independently of the state of the employment market.<sup>1</sup> Hence the signatories agree that a small number of young workers of one of the two countries may, usually on the basis of individual contracts of employment, be authorised to fill posts for a limited period in the territory of the other, without regard to the situation of the employment market in the occupation concerned.

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<sup>1</sup> Cf. "International Exchanges of Young Workers", *International Labour Review*, August 1930.

At its Nineteenth Session the International Labour Conference, when discussing unemployment among young persons, recommended that Governments "should conclude agreements for the purpose of facilitating the international exchange of student employees, that is to say, of young persons desirous of improving their occupational qualifications by a knowledge of the customs of other countries".



The third class is that of collective (or numerical) recruiting, which has already been mentioned, but which should be considered separately, the more so because it meets a very special situation, and because the circumstances of the parties concerned are generally not the same as in the first two classes.

In the countries of emigration the authorities frequently consider that collective recruiting operations may be detrimental to these countries. The operations need not even be very extensive or follow in close succession; if they are carried on in sparsely populated districts, or in highly specialised trades in which special manufacturing processes are employed, they are fraught with the obvious risks of depopulation at home and industrial competition from abroad. On the other hand, the view is also held that emigrants who are settled in groups are less isolated and less susceptible to the homesickness due to surroundings quite different from those of their own country and that they are more amenable to the measures of protection and control which the authorities of the home country often wish to exercise on their behalf. In the immigration countries however, the danger has sometimes been emphasised of a large influx of persons who are difficult to assimilate if they all congregate in one place, the possibility of sharper competition with the national workers, etc. From the employers' standpoint the importance of a recruiting operation naturally varies in proportion to the number of workers to be engaged; both as regards the total cost of recruiting, immigration and possibly repatriation, and as regards the effects on the working of the undertaking, a collective recruiting operation has its own peculiar difficulties. It cannot therefore be conducted in a haphazard manner, but entails investigations and negotiations that are sometimes highly complex. As for the workers, those who emigrate singly of their own free will, or in response to an invitation, or under contract, and those who merely join a more or less numerous and heterogenous party, belong to widely differing occupational and even social classes.

Consequently a collective recruiting operation is rarely comparable in any respect with individual recruiting. Methodical organisation and extremely close supervision are required in collective recruiting so as to furnish the parties concerned with the guarantees that they require for safeguarding their interests. This is the reason for the detailed provisions found in emigration legislation and the majority of labour treaties.



## RECRUITING AND PLACING ORGANISATIONS

If the forms that the international migration of workers may take are many and various, the same is true of the organisations that facilitate, prepare or direct this migration. The first of these were established independently of workers or employers: they found a sufficient reason for their existence and at the same time their livelihood and even substantial profits in the operations of finding and supplying labour. In this class fall the ordinary professional recruiting agents, who combine their activities with a travel agency and the sale of passenger tickets and who are often known as travel agents, and also, broadly speaking, all the middlemen whose profits grow, if not with the value of their services, at least with the number of workers supplied. The character and the working of these agencies are sufficiently well known<sup>1</sup> to make a fuller description here unnecessary. It may simply be noted that their importance is declining, particularly in Europe, where they have been subjected to more or less drastic restrictions aiming at their total abolition, wherever possible, and their replacement by arrangements less costly for the parties and more in keeping with the public interest. At its Seventeenth Session the International Labour Conference adopted a Draft Convention which provides for the abolition of fee-charging employment agencies, whether working in the national or the international sphere, and stipulates that, while temporary exceptions are allowed, the agencies concerned shall only place or recruit workers abroad if authorised to do so by the competent authority and if their operations are conducted under an agreement between the countries concerned.

The professional independent recruiting agent pursuing a sort of international recruiting and placing business scarcely survives except in certain parts of the Far East and in colonial territories, or in certain types of oversea migration; and even here undertakings that cannot themselves recruit the foreign labour they require are tending more and more to use the services of persons (foreign workers already in their employ, etc.) with whom, or organisations with which, they are in direct and constant touch.

Thus, stimulated by employers' occupational or industrial associations, new recruiting organisations have everywhere

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<sup>1</sup> Cf. INTERNATIONAL LABOUR OFFICE: *Migration Laws and Treaties*, Vols. I and II, Chapters VI and VII, Studies and Reports, Series O, No. 3.



sprung into existence and grown, especially since the war. Possessing considerable resources and generally enjoying the direct or indirect support of the Governments concerned, these organisations have engaged in very considerable activities, first in America and Asia, and then in Europe, particularly in connection with the collective recruiting of workers for large agricultural or industrial undertakings. In many countries all or part of the immigration of workers has been organised by these bodies and often the Governments have negotiated agreements with them or have delegated to them, by law or in practice, part of their powers in matters of recruiting or placing.

On the workers' side, on the contrary, scarcely any international recruiting or placing organisations in the strict sense have ever been established. None the less most of the trade unions have closely followed the working of public or private bodies engaged in such activities, more especially in order to oppose recruiting or placing methods detrimental to the interests of the workers, whether in the country of emigration or in the country of immigration. For example, the World Labour Migration Congress (London, June 1926), demanded the abolition of private emigration agencies and the establishment of State agencies in which the trade unions would be suitably represented.

Mention must also be made of the activities of certain local or international bodies of a denominational, ethnic, patriotic or charitable character that are concerned with the protection of migrants and intervene between them and their future employers to facilitate placing.

As a general rule private organisations in one or other of the above-mentioned classes can only undertake recruiting and placing operations with the consent of the authorities of the country of emigration or of the country of immigration, or of both. There is now scarcely any State that does not subject such activities at least to licensing and often to the observance of detailed regulations backed by more or less systematic supervision. In the case of recruiting, several emigration countries have established a monopoly in their territories, exercised either by the public authorities themselves or by a single body working under their direct supervision.

In reality it seems that in a domain so complex as recruiting and placing, Governments have generally aimed firstly at organising effective and methodical supervision and secondly



at ensuring, by means of suitable agreements, that the interests of the various parties in question are properly protected and that under the ultimate authority of the State employers, workers and organisations of either country, and transport and other undertakings, collaborate in the successive operations with a reasonable sharing of the duties and responsibilities involved. One of the points on which the Washington Recommendation and the resolutions of the International Emigration Commission<sup>1</sup> laid particular stress as early as 1919 and 1921 was the importance in any collective recruiting operation of consulting employers' and workers' organisations in the countries concerned. Often such consultation may be usefully supplemented by indications or advice from the local authorities, social workers or associations for the protection of migrants, whose activities may help to safeguard the migrants' interests when they are in sufficiently close and constant contact with the migrants.

### REGULATIONS

The diversity that we have already noticed in connection with the different kinds of migration of workers and also with the various bodies engaged in recruiting and placing is met with again in reviewing the relevant regulations in force on these subjects. Without anticipating the detailed analysis that will be found in the following chapters, it would seem useful to make a general survey of the main principles of these regulations, in order to facilitate an understanding of the labyrinth of systems and provisions applied to the recruitment and placing of migrant workers. The history of the evolution of these regulations will amply repay study: every transformation of the economic structure of the different countries is followed, at shorter or longer intervals, by new legislation, regulations or administrative or other measures. This evolution has already been described so often that it is not necessary to retrace it here.<sup>2</sup> But the successive changes in regulations are not to be explained merely by the passage of time. In this domain nothing is more striking than the great diversity of systems in force at one and the same time corresponding to a variety of circumstances.

In America, and generally speaking in all areas open to

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<sup>1</sup> See Introduction, p. 7.

<sup>2</sup> Cf., for example, René GONNARD: *Essai sur l'histoire de l'émigration*. Paris. 1928.



colonisation by white labour, the Governments usually encourage spontaneous immigration and show suspicion, if not hostility, towards inter-governmental agreements for migration and the recruitment and immigration of workers under contract. In fact, the natural resources of these territories are so vast, especially having regard to their relatively sparse population, that in normal times the immigrant finds an opening there more easily than elsewhere and has a better chance of getting out of the wage-earning class after a time by setting up on his own account. Moreover, in these territories immigration of individuals or single families is the rule, and collective immigration the exception. In times of prosperity these States, when they are favourable to immigration at all, encourage, first and foremost, the entry of settlers or industrial workers from certain specialised trades, and to this end conclude agreements with transport companies or instruct their Consular officials in the emigration countries to undertake a certain amount of propaganda and selection, or again grant facilities to workers of specific races or occupations immigrating singly. Among these countries only the British Dominions have concluded official migration agreements and have established a placing and recruiting organisation, although almost wholly confined to immigration from the mother country. Even then the contract between the worker and his employer does not generally come into play until the immigrant has reached his destination. The American countries regulate their immigration on general principles relating to the race, means, age, health or morality of the immigrants and look at the matter much more from a demographic than from an employment-market standpoint.

In Europe the situation is quite different and consequently methods of recruiting and placing are wholly unlike those just reviewed. The employment markets of the old continent are in fact much more uniform and much less flexible. The considerable liberty allowed in certain oversea countries to working-class immigration can scarcely be allowed to migration in the old continent, save in specific cases, without serious economic and social consequences. If it were not controlled and regulated, the intra-continental migration of European workers, offering far less difficulty by reason of the smaller distances and costs than oversea migration, would soon lead to chaotic movements and to the upsetting of comparatively unstable equilibria. Hence, we find in emigration countries regulations on the



recruiting of labour, and in immigration countries a twofold series of complex provisions on the admission of migrant workers and on their eligibility for employment and, supplementing these national measures, bilateral treaties or agreements between the workers' country of origin and the country of destination. Further, either independently or under these official regulations, recruiting operations are often organised by employers' associations; and recourse to contracts of employment, both individual and collective, has spread considerably.

Doubtless this brief outline gives only an incomplete idea of placing and recruiting regulations throughout the world. Other differences might be noted within the general groups described above — for example, as regards the placing in colonies of native labourers recruited elsewhere. Palestine, too, has a very complete recruiting and placing system under which employers' applications are scrutinised by the authorities. Similarly, in the United States the immigration of workers under contract is strictly prohibited, but on the southern frontier there has been an immigration of large numbers of Mexican workers who are given contracts by special agents as soon as they arrive in the United States.

Having thus rapidly noted the differences between the principal sets of circumstances underlying the diversity of regulations, we will now briefly consider the scope and working of the regulations themselves.

The simplest method of regulation, and that to which Governments have most frequently resorted, consists in applying official measures of a unilateral character. This system exists in widely differing forms: either the regulations are embodied in a law — a procedure that is rather slow but affords the parties concerned certain guarantees of stability — or they are applied by way of decree or even mere administrative circular or decision. Sometimes, particularly in oversea countries, these unilateral measures are considered adequate to regulate international movements of workers, but they are hardly compatible with any policies except those involving almost complete freedom or almost complete prohibition. In the first case, which is met with in countries having a more or less permanent need of foreign population and labour, or elsewhere during periods of economic development, it is considered that the movements can adjust themselves unaided to variations in supply and demand. Recruiting and placing operations are



left uncontrolled and the measures in force only seek to regulate the passenger movement in general, whether it consists of ordinary travellers or of workers. Unilateral measures are also applied by States which prohibit recruiting for abroad or the placing of immigrant labour at home. In both cases the State concerned considers international migration to be a domestic question and consequently abstains from concluding agreements on the subject with other countries, or even from entering into negotiations with them.

Often, however, the need of organising recruiting and placing is felt strongly enough, even under a system of unilateral public regulation, for arrangements to develop spontaneously between employers seeking foreign labour in one country and workers desirous of emigrating from another. By direct and individual action, or through the medium of special organisations, relations are established between the two parties when the immigrant worker enters the new country or even before he has left his own. Whether the movements are of individual workers, small parties or large parties, the resulting contract of employment may be of a general character or explicit and detailed, and may either be subject to no supervision at all or may, on the contrary, be subject to regulations issued by the authorities. Generally speaking, the countries that have regulated the recruiting and placing of migrant workers by unilateral measures are those in which contracts of employment, where they are not totally prohibited before immigration, are the least subject to regulation. On the other hand, regulation of contracts is particularly detailed in countries where the international migration of workers is organised under bilateral agreements: the contracts of employment generally have to conform to certain regulations or even reproduce the provisions of a detailed standard contract, or again are only valid if approved by the authorities either of the country of emigration or of the country of immigration, or both.

The bilateral treaties or agreements just referred to have developed, if not entirely at least mainly, in the sphere of intra-continental migration and in Europe. In 1919 labour and immigration treaties concluded by France with Poland and Italy gave all administrative facilities to the nationals of either of the two contracting powers desirous of emigrating to the territory of the other, and authorised the collective recruitment of workers in either country for undertakings in the other. These treaties were the first of a series of European agreements



of particular importance for the international recruiting and placing of workers.

Without entering into the details of these agreements, which are fully analysed later on, it must be noted that, contrary to the conception generally underlying unilateral measures, they imply recognition by the signatory States of a number of fundamental principles that may be summarised as follows:

1. The international migration of workers does not affect exclusively the interests of a single country but those of the two countries in question;
  2. Supply and demand in the case of migrant labour should be regulated, or at least supervised, as to quantity and quality from the general standpoint of the employment market and also in other respects;
  3. The conditions of recruitment and employment of foreign workers should conform to rules established by negotiation between the two countries in question, with due regard to the individual and collective interests at stake.
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## CHAPTER II

### RECRUITING PROCEDURE

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#### § 1. — Supply of Information to Emigrants

The supply of information to emigrants, or more exactly potential emigrants, is an important complex problem, which raises many practical difficulties. It should always be the first stage in any recruiting operation.

Any recruiting of workers involving their leaving home presupposes their possession of a certain minimum of information concerning the work awaiting them on their arrival, and of the general living conditions in the district to which they are going. But while there is agreement on the necessity of supplying information to intending emigrants, it is found in practice that the actual methods employed vary very widely in accordance with the circumstances of the particular time and place.

The supply of information to workers in view of their emigration and placing abroad may be undertaken by very different bodies, public or private, or even by persons, possibly relatives or friends, the value of the information varying with the means available and the motives of the informants (assistance to workers desirous of emigrating or employers seeking foreign labour, regularisation of the labour market in the country of emigration or immigration, expansion of the passenger traffic of a particular line or company, etc.).

In particular, the history of the great migration movements has shown them to be fraught with many possibilities of abuse on the part of middlemen such as recruiting, emigration or transport agents. Since the profits made out of emigration by these middlemen were generally in direct proportion to the number of emigrants, it was to their advantage to increase the volume of emigration by every possible means. Propaganda in favour of emigration to certain countries was the more successful because it was addressed to people whose conditions of life were hard and who were quite willing to seek their fortune elsewhere,



while at the same time they knew almost nothing of foreign countries and the difficulties awaiting them there. Most emigration countries in fact have experienced at some time or other a wave of emigration, created and sustained artificially by commercial agents. The immigration countries, for their part, have at times experienced an unregulated influx of foreign workers, and many of the latter who had emigrated on the strength of false information have met with the cruellest disappointments and in some cases have had to be repatriated.

Thus the Governments, especially those of emigration countries, were led first to take action for the suppression of false or misleading propaganda and then to provide intending emigrants with authentic information on the countries to which they intend to go. This measure dates back to the time when the idea of non-intervention in migration matters was very widespread in Europe. The emigration countries set up emigrants' information offices which in many cases were subsequently converted into emigration offices or commissariats.<sup>1</sup>

Arrangements for supplying information to emigrants have greatly developed since then in harmony with the general emigration policies of the different countries, and in fact they now form one of the most prominent features of such policies. The ultimate object of supplying emigrants with information is no longer only to promote the welfare of the emigrant himself or to increase his "value" both socially and economically; it is also intended to further what the State conceives to be its function, and sometimes its interest too, in migration movements.

In the international sphere the problem has been approached from the slightly different angle of collaboration between States, but without losing sight of the interests of the emigrants themselves. On the proposal of the Greek Government delegate, the First Session of the International Labour Conference, held at Washington in 1919, invited the International Emigration Commission to consider measures for protecting emigrants against exploitation of all kinds, and in particular measures providing for the total elimination of agents having an interest in encouraging emigration, and their replacement by competent public officials responsible for supplying information to intending emigrants. The International Emigration Commission met in

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<sup>1</sup> L. VARLEZ: *Les migrations internationales et leur réglementation*, p. 86. Paris, 1929.



1921 and adopted a certain number of recommendations concerning the supply of information to emigrants. In particular it declared that "it is desirable that each Member should undertake to organise a State supervision . . . over all persons interested in the promotion of emigration and who are carrying on their business on its territory"; also, "each Member should undertake to place at the disposal of all persons, free of charge if possible, all information regarding the conditions of emigration"; and lastly, "each Member should make it a punishable offence to disseminate false statements with a view to inducing emigration".

The first International Conference on Emigration and Immigration, held at Rome in 1924, recommended that "all emigration propaganda not authorised by the State should be prohibited, and that public services should be established to provide information, gratis, to workers contemplating emigration".

Several resolutions on the subject were also passed by the second International Conference on Emigration and Immigration, which was held at Havana in 1928. In particular, the Conference recommended that "agreements should be concluded providing for:

- "(a) Collaboration between the immigration countries and the emigration countries in order to assure emigrants of a constant source of information concerning the qualifications they should possess in order to secure employment in the countries to which they intend to go;
- "(b) The establishment, to the extent that this is possible, of one or more systems of supplying information so that the Governments of the emigration countries can base the information that they give to emigrants on reports furnished by the immigration countries."

The Conference also passed a resolution concerning measures for the suppression or rectification of incorrect or false information concerning emigration or immigration countries, spread with the intention of discouraging or encouraging emigration.

This resolution reads as follows:

The Conference,

In view of the frequent instances of public propaganda either unfavourable or favourable to certain emigration or immigration



countries, carried on by private agents from foreign countries, at times of the greatest shortage or surplus of emigrants in certain occupations or from certain regions and who are encouraged or discouraged by this propaganda,

Recommends

That measures should be adopted for the suppression or rectification of incorrect or false information concerning emigration or immigration countries and spread with the intention of discouraging or encouraging emigration, and that for this purpose close co-operation should be established between the competent authorities of the emigration and immigration countries.

Broadly speaking, it may be said that measures concerning the supply of information to intending emigrants fall into two classes, negative and positive.

To the first class belongs prevention of the dissemination of false or misleading statements by agencies or other bodies having an interest in artificially expanding or contracting emigration to or from specific countries; and to the second class belong measures for meeting the intending emigrants' legitimate need of information and seeing that the information furnished is true, is given adequate publicity, and in general is not prejudicial to the interests of the emigration or immigration countries in question.

### RESTRICTIONS

Regulation of the activities of emigration agencies and businesses as regards the supply of information is mainly concerned with the prevention of false or misleading statements about possibilities and conditions of emigration. Emigration countries are also tending more and more to prohibit all private emigration propaganda. It often happens that, on the strength of false or misleading statements, would-be emigrants make costly preparations for their departure and even sell up their homes, and only when it is too late learn that emigration permits are no longer delivered for their particular country of destination, or that they themselves do not fulfil the conditions of admission.

Most post-war emigration legislation prohibits the supply of information to emigrants for profit. Private businesses or agencies desirous of advertising or supplying information gratis must first obtain the permission of the authorities, and generally their field of activity is strictly limited. The authorities supervise the contents of the published matter (prospectuses, posters,



pamphlets, advertisements, etc.) that these agencies distribute. It must, for instance, be confined to indicating the sailing dates and routes of steamers, the cost of tickets and similar information; and often must be approved by the competent authorities before being issued.

When information services in the emigration country are organised by associations or authorities of the immigration country, the former frequently reserves to itself the right of control. In *India*, for example, notices distributed by commissioners of immigration countries must be approved in advance by the Governor-General. Sometimes, however, it is the immigration country itself that places restrictions on the supply of information to would-be immigrants, and then the restrictions are more difficult to enforce. In the *United States* it is illegal to induce, assist or encourage any person to immigrate by promise of employment through advertisements printed, published or distributed in any foreign country (Immigration Act, 1917, section 6).

Examples of legislative or administrative provisions in emigration countries relating to the supply of information and the prevention of false statements can be taken from Germany, Italy and Poland.

In *Germany* an Order to remedy abuses in connection with emigration of 14 February 1924 prohibits the supply by way of trade of information respecting emigration prospects, in particular respecting living, labour and settlement conditions abroad. Persons wishing to give such information otherwise than by way of trade must obtain a permit from the authorities. The permit may not be issued unless the need for such an undertaking exists and the giving of information by experts is guaranteed. Authorised agencies are subject to strict supervision by the authorities.

The new emigration policy followed by Italy since 1927 also involved the issue of fresh regulations concerning the supply of information to emigrants. In a circular of 3 June 1927 to the Prefects of provinces, the Head of the Government drew attention to the need of keeping a close watch over the activities of all persons who have an interest in keeping up migration, and particularly mentioned agents of transport companies, priests, teachers, municipal officials, etc., who, for profit and without authorisation, try to induce their compatriots to emigrate.



An Act of 24 July 1930 (No. 1278) provides severe penalties for those who encourage the emigration of Italian citizens by means of proclamations, circulars, handbooks, publications or any other forms of advertisement. The penalties are severer still if the offence is committed for gain or if false information is made use of. Penalties are also provided for persons spreading false news concerning emigration or, by means of false news, encouraging an Italian subject to go to a country other than that to which he intended to go, or inducing an emigrant to embark at a foreign port.

In *Poland* an Order of the President of 11 October 1927 respecting emigration prohibits all emigration propaganda, including oral and written information on emigration prospects for the purpose of encouraging persons to go abroad. Transport companies holding a licence from the Polish Government may, without special authorisation, publish information giving their addresses, the names and routes of steamers and other sailing conditions. The competent authorities may require organisations authorised to deal with emigration matters to publish official notices counteracting emigration propaganda.

#### ORGANISATION

In addition to enacting the restrictive provisions described above, the authorities in various countries are tending more and more to organise or supervise free information services for emigrants. Experience has in fact shown this to be the best and perhaps the only effective means of combating the abuses committed by interested agents. Experience has also shown the necessity of not limiting the supply of information to emigrants to the communication of notices alone, but of supplementing these notices with practical advice of all kinds. Hence the use in various countries of the words "guidance" and "advice" instead of "information".

This task of information and guidance is generally shared between the State and social, occupational, charitable or denominational organisations in direct and close touch with intending emigrants. Side by side with these disinterested and officially approved activities, Governments allow the activities of emigration and transport agents, but regulate them strictly, as has been seen above. Lastly, while the Governments of emigration countries are generally responsible for the supply of



information to emigrants, there are also numerous authorities and organisations in the countries of immigration that carry on considerable activities intermittently in this field.

In countries where the Government has itself organised information services these services are usually placed under the emigration authorities (emigration office or commissariat, Ministry of Foreign Affairs, Ministry of Labour or Social Welfare, employment exchanges). Sometimes the Government authorities reserve to themselves the right of supplying emigrants with information concerning admission into immigration countries, geographical and climatic conditions, working and living conditions and similar matters. For this purpose, the diplomatic and consular representatives have to communicate periodically to these authorities all information available on the subject in the countries in which they are stationed. Some of the principal emigration countries send out expert officials to the countries to which a large number of their emigrants go, and one of the essential tasks of these officials is to keep the home authorities informed of the general situation and of immigration possibilities.

Official bodies responsible for supplying information to emigrants distribute this information by means of pamphlets and other publications, among the most useful being periodical bulletins notifying changes in immigration legislation and in the general situation in immigration countries. However, in several countries, such as Great Britain, Italy and Poland, for example, the publication of such bulletins has been suspended and only the privately published bulletins have continued to exist through the trade depression.

For many years official periodicals dealing with emigration and the conditions in the immigration countries were issued in Italy, where the first periodical of this kind appeared, and later in Germany, Portugal, Poland, Spain, etc. It is impossible to mention them all in this report, but it can be said that they all published valuable information on new legislation and on the social and economic aspects of emigration.<sup>1</sup>

Mention has already been made of the activities of certain private organisations in connection with the supply of information to emigrants. In several countries, e.g. Germany, these

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<sup>1</sup> Concerning periodical publications, both official and non-official, which furnished information to emigrants and concerning migration matters, cf. *Monthly Record of Migration*, January 1927, pp. 45-48.



activities enjoy a quasi-official status. Elsewhere they usefully supplement Government activities. Where, as is often the case, the furnishing of information is subject to official authorisation, these activities are strictly supervised and moreover must, as a rule, be based on official documents supplied by the competent authorities.

The importance that the furnishing of information to emigrants has for emigration countries compels the information services, whether public or private, to pay regard to the general emigration policy of the State. The restriction of emigration, which has been the policy of several emigration countries since the war, often compels information services to advise would-be emigrants to stay at home. Obviously this policy of discouragement, however legitimate it may seem, is not free from risk, for if pushed too far it may destroy the people's confidence in the impartiality and goodwill of the public authorities and so drive emigrants into the arms of illegal agents. On this point, Dr. W. Luig relates that in Germany the popular attitude to the information policy followed by the Federal Migration Office (*Reichswanderungsamt*) found expression in the nickname "Federal Warning Office" (*Reichswarnungsamt*). This attitude was cleverly exploited by persons who had an interest in thwarting official emigration activities.<sup>1</sup>

Thus the furnishing of information to emigrants requires not only a very accurate knowledge of emigration and immigration legislation, which is sometimes extremely intricate, and of the geographical, climatic, economic, social and political circumstances of the countries concerned, but also great resourcefulness and understanding on the part of the person who gives the information; and particularly so when the information is given in personal interviews devoted as much to advice as to information. The intending emigrant should be told not only of the legislative provisions, but also of the essential conditions of success, the obstacles due directly or indirectly to the laws of his own country and those of the immigration country, the experience and funds required, the difficulties he may encounter in an unknown country, the living conditions there, etc. If the risks in a given case do not seem excessive, the information office has to give all possible help to the emi-

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<sup>1</sup> Dr. W. LUIG: "Zur Organisation und Praxis der Auswandererberatung im Deutschen Reich", *Soziale Praxis*, 1930, Vol. XIX, No. 19, p. 452.



grant in his undertaking by supplying him with full particulars of the journey and working conditions abroad, and also addresses of persons or organisations that may help him while he is settling down.

Below will be found a brief analysis of the organisation and working of public information services in a number of emigration countries.

In *Germany* the Federal Migration Office (*Reichswanderungsamt*) was reorganised on 1 April 1924 as a department of the Ministry of the Interior with the title of *Reichsstelle für das Auswanderungswesen*, and from this date information to intending emigrants, instead of being furnished directly by the public authorities, has been a matter for local offices administered by organisations or institutions, or bodies for the assistance of emigrants, which except for approved public utility organisations must be specially authorised by the Government. The function of the *Reichsstelle* is to collect and publish information on emigration prospects and to transmit it to the local offices, to keep watch over internal migration, and to collaborate in the suppression of abuses.

In 1931 there were 21 principal information and consultation offices (*Auskunfts- und Beratungsstellen*) approved as public utility institutions, and 179 lesser offices administered by assistance organisations and authorised by the Government!

By distributing information on emigration prospects to the local offices, the *Reichsstelle* is able to exert some influence on migration movements. It is also explicitly laid down that information given to emigrants shall not be emigration propaganda, and that emigrants shall be sent to places where they will have the best chances of success, and where they can keep their connection with the old country without thereby infringing their obligations towards the new.

The *Reichsstelle* publishes twice a month an information bulletin, pamphlets on the various immigration countries, and circulars for administrative use.

The local offices keep in close touch with the passport offices, which notify them of all applications for emigrants' passports. In this way each local office is able to keep itself well informed of the migration situation so far as the local population is concerned and, more important still, it can get into touch immediately with every would-be emigrant and tell him its address and the advantages he would find in consulting it on every



aspect of his plans. This system makes for the total disappearance of thoughtless and ill-prepared emigration that is so often both economically and morally disastrous to the emigrant.

On 1 July 1934 a National Emigration Office was set up by the Government in *Denmark*. One of the functions of this Office is to be of assistance to Danish emigrants in accordance with Article 26 of the Emigration Act of 2 May 1934.

In the *Netherlands* the Government itself undertakes the giving of information to emigrants proceeding to European countries. This duty is carried out by the Government Unemployment Insurance and Employment Exchange Department (forming part of the Ministry of Social Affairs), which co-operates with the Dutch labour exchange at Oberhausen in Germany so far as emigration to that country is concerned, and with the Dutch Immigration and Labour Office in Paris so far as Dutch emigration to France is concerned.

On the other hand, information relating to Dutch emigration to oversea countries is given by the Dutch Emigration Society, which is subsidised by the Government and by private organisations and is subject to the supervision of the Minister of Social Affairs. Before the economic depression, which has diminished openings for emigrants, this Society, through its representatives and agents in the oversea countries and often in co-operation with official and non-official bodies in those countries, gave effective assistance to Dutch emigrants. Moreover, it keeps in touch with the situation of the employment market and of any openings that may present themselves in various countries of immigration. It investigates colonisation problems and is developing more and more in this direction.

Mention may also be made of an interesting experiment in *Poland*. In 1930 an Emigration Syndicate was set up with the main object of supplying information to emigrants and helping them before their departure. The outstanding feature of this association is its commercial character, as it is a joint stock company with an original capital of 858,000 zlotys. Its operating expenses are mainly defrayed by subsidies paid by the shipping companies interested in the emigration traffic in consideration of the savings that the Syndicate enables them to effect under the head of representatives and agents. In addition, the Syndicate makes a slight profit on certain services, but up to the year 1932-1933 inclusive, owing to the general depression, it



operated at a loss. Sixty per cent. of the shares are held by the Polish Government, and 40 per cent. by licensed transport companies, 21 in number. At first the Syndicate confined itself to oversea emigration, but it now handles continental emigration as well.

Besides giving emigrants information and helping them to settle up their affairs before leaving, the Emigration Syndicate obtains their passports and tickets. The information is given both by correspondence and orally in the Syndicate's offices. It is based on material furnished or approved by the Government authorities. The Syndicate publishes a weekly emigration bulletin which contains all emigration news. This bulletin is distributed gratis to would-be emigrants, the press, public authorities and private institutions in touch with emigrants.

The Syndicate's first report, published in 1931, stresses the growing importance of information services at a time when emigration is almost at a standstill. The decisions of emigration and immigration authorities are continually changing, with the result that an emigrant who is not properly informed of the situation may suffer heavy losses. Even when emigration is dwindling, the Syndicate's activities not only do not diminish but, owing to a more widespread desire to emigrate induced by the depression, actually increase.<sup>1</sup>

In order to intensify its information services and reach districts remote from its offices, the Syndicate in 1931 and 1932 appointed correspondents from among members of local authorities. Their business is to give intending emigrants preliminary information and to put them in touch with local branches of the Syndicate. Like the Syndicate itself, the correspondents make no charge for their services. The Syndicate proposes in the future to establish a close network of local agencies and branches.

The Syndicate's latest report, for the period from 1 April 1932 to 31 March 1933, states that its operations have totally destroyed the scourge of illegal agents and middlemen and have helped to reduce to insignificant proportions the abuses and thefts of which emigrants were so often the victims.

Organisations in the countries of immigration have also developed considerable information services for immigrants. Before the present world depression, various *Latin-American* countries used to instruct their consuls, or special missions,

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<sup>1</sup> *Sprawozdanie Zarządu Syndykatu Emigracyjnego, 1930-1931.* Warsaw, May 1931.



either official or non-official, to inform the public of emigration countries of the prospects of immigration or colonisation in their territory.

A characteristic example of activities of this kind is furnished by *Canadian* private organisations, both commercial and otherwise, and the Dominion Department of Immigration and Colonisation. These activities, which greatly developed in the post-war period, were largely suspended in 1931 in view of the bad economic conditions in the country. The Department's information service was mainly concerned with emigration from Great Britain and the United States. It established a Directorate of European emigration in London and two information offices in the United States (at Boston and Buffalo), but these were closed as from 1 April 1931. From 1926 to 1931 an Information Office for emigrants was maintained at Göteborg (Sweden) by the Canadian National Railways and attached to the emigration office of that Railway in London.

The information services of the Department were chiefly directed towards encouraging the immigration of farmers. Propaganda campaigns were undertaken in Great Britain and the United States by means of press articles and photographs, pamphlets distributed in likely quarters, films shown in agricultural centres, etc. In 1930 the Department arranged for sixty-five journalists representing the American agricultural press to visit the Eastern provinces of Canada.

At the present time all these activities have ceased, and the Canadian Government confines itself to supplying information to persons applying in writing or orally to the Department of Immigration and Colonisation.

In some countries employers' associations using foreign labour have played an important part in the direct supply of information to emigrants. For example, in *France* the Union of Metal Working and Mining Industries published in 1929 and 1930, both in French and in various other languages, a "practical commentary to the administrative regulations concerning foreign workers and their families living in France", for the use of workers collected at the recruiting centres. Later on this information was supplemented by propaganda films showing work in French mines, and photographs of the social institutions and housing available for foreigners. These efforts made by the French mining companies to give adequate information were undertaken at the request of the French authorities.



## § 2. — Training of Emigrants

The provision of emigrants with some general or specialised training (linguistic, vocational, etc.) facilitating their adaptation to their future conditions is a natural corollary of the provision of information. But the steps taken in this direction are comparatively recent, and were the first to be affected by the present world depression.

The need of providing emigrants with some general education, and in particular of eliminating illiteracy, was felt more strongly following upon the United States Immigration Act of 1917, which prohibited the entry of illiterates. Various countries whose emigration was likely to be restricted under this provision, Italy for example, proceeded to supplement their public education by general courses, including more especially the elementary acquaintance with reading and writing that emigrants to the United States would henceforth require. But in the course of time immigration into the United States was subjected to fresh restrictions, and consequently, both for the emigration countries and the emigrants themselves, the question of the emigrant's general education lost its primary importance.

Subsequently the vocational training of future emigrants was looked upon more and more as a factor in the "valorisation" of the emigrants in a number of countries. From this angle it is seen as not only a means of facilitating the adaptation of emigrants to their future conditions, but also as a means of securing and preserving outlets for emigration, and at the same time of improving emigrants' chances of success and obviating the repatriation of destitute emigrants.

The training of future emigrants and giving them information may be undertaken not only by public authorities but also by occupational organisations and other private bodies, but it is often difficult to distinguish the services rendered by such bodies to emigrants as such from those rendered to the workers as a whole or to the members of the organisation in question.

The results achieved both by the public authorities and private organisations vary much from district to district and from occupation to occupation and they are frequently inadequate. Reference may be made in this connection to the report presented to the 1935 Session of the Advisory Committee on Salaried Employees concerning the admission of foreign salaried employees. This report says: "Owing to the fact that the duties



of many employees in offices, shops, etc., bring them into direct and constant contact with the public, it is essential that they should be thoroughly acquainted with the language and customs of the locality. It has, in fact, often been noted that many employees with a successful record of service in their own countries have failed when they have attempted to follow their occupations abroad, mainly through inadequate knowledge and preparation and lack of opportunity for studying the language and customs of the country."

As regards the vocational training of emigrants, extensive experiments have been made in Great Britain, Italy, and to a smaller extent in Denmark, the Netherlands and Japan. Although abandoned or greatly restricted at the present time owing to the depression and the falling off in migration, they are none the less of great interest for any study of the organisation of migration movements.

The Director of the *Danish* National Emigration Office prepares, and, if necessary, recommends to the Ministry of Social Affairs, such measures as appear likely to encourage emigration, including financial aid and training.

Although the training of emigrants is now in abeyance in *Great Britain* and the training camps are used for unemployed persons desirous of being trained for employment in Great Britain itself, the statutory basis of the scheme remains and the results so far achieved are described below.

The Empire Settlement Act of 1922, which provided for assisted emigration to British Dominions, authorised a contribution out of public funds towards the expenses of training schemes up to 50 per cent. of the total cost. Considerable amounts were also expended outside the scope of the Act by the Ministry of Labour for the establishment and maintenance of vocational training centres for emigrants. Lastly, a number of charitable or denominational organisations and "emigration committees" in different districts organised training centres, more especially for young emigrants. These bodies obtain grants from the Government under the Empire Settlement Act of 1922.

The training centres were organised for four different classes of emigrant — single men going as settlers, women undertaking household work, boys going to agricultural work, and families leaving as settlers. The various Dominions also organised training centres for the immigrants already admitted. These will be dealt with later.



The centres for single men came to be the most important. The age limits for these were originally 19 to 25, but later, 19 to 35. At first only unskilled industrial workers on the live registers of public employment exchanges were admitted. Unemployment ceased to be a condition of admission in 1929, and from that time on the centres were open to men in employment, except agricultural workers. Applications had to be made to the Ministry of Labour through the employment exchanges. All candidates accepted had first to be approved by a representative of the Dominion concerned. From 1926-1930 the Ministry of Labour received about 38,000 applications; 10,000 persons entered the centres and 8,000 actually left for the Dominions.

The training centres as far as possible reproduced the actual working conditions in the Dominions. The instructors were persons with first-hand knowledge of farm work in Canada and Australia. The course comprised all the usual farm operations — tree-felling, land clearing, fencing, carpentry, dairying, the handling of horses, ploughing and general farming. The men were given free board and lodging and an allowance of five shillings a week. They were also provided with working clothes and their travelling expenses were paid from home to the centre and back again at the end of the course. The average cost per head was £50. The course was first fixed at six months, but in 1930 as a result of repeated representations by the Dominions, it was reduced to three.

The Committee on Empire Migration defined the purpose of these training centres as follows: "... To test the physique and character of intending migrants, to eliminate those who would not make good settlers, and to equip those who pass these tests with some rudimentary knowledge of farm work which will be of help to them on arrival in the Dominions."<sup>1</sup> The Committee, however, expressed some doubt as to the utility of expending public money on the organisation of these training courses in view of the uncertainty of finding places in the Dominions for all the persons who take them.

The vocational training of the three other classes of emigrants (women undertaking household work, boys going to farm work, and families leaving as settlers) did not attain the same importance as that of single men. Mention may be made, however, of the interesting fact that, in view of the demand for single

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<sup>1</sup> COMMITTEE ON EMPIRE MIGRATION: *Report*, p. 47. London, 1932.



women in Australia, the Commonwealth Government contributed half the cost of a training hostel for such women established by the Ministry of Labour at Market Harborough.

It may be noted that the British scheme was mainly of importance in selecting the most suitable applicants, but it also helped to build up the morale and physique of intending migrants and gave them a preliminary training of a vocational character. The inclusion of the training schemes in the general settlement plan for the British Empire, collaboration with the Dominions in the selection of trainees, and the practical nature of the courses are the characteristic features of this system, which on the whole seems to have given very substantial results.

In *Italy* the vocational training of emigrants, undertaken by the Commissariat of Emigration, was one of the essential features of the scheme for the "valorisation" of Italian emigration. Vocational instruction, spread as widely as possible over the whole population, and more particularly in the main emigration centres, was intended to increase the vocational value of the emigrants, and thus enable them to find a wider market for their labour. A report of the Commissariat of Emigration, published in 1926,<sup>1</sup> declares: "We must improve the quality if the quantity is not to be unwelcome."

The vocational training courses organised in Italy catered for two different classes of emigrant: those intending to go to a European and an oversea destination respectively. In the first class a preponderant place was reserved to building workers, while the second consisted solely of emigrants going as settlers to the American continent.

Unlike the British centres, admission to which depended on the fulfilment of specific conditions and a preliminary selection by a representative of the immigration country, the Italian courses were open to all. They were essentially practical. Since they were independent of any recruitment and were a preliminary stage in the organisation of migration, there could be no question of using them for selection purposes, as in Great Britain.

Apart from training courses for workers in the building industry and applied arts, the Commissariat of Emigration organised health courses for women intending to become private nurses or nursemaids, or acquire some notions of hygiene, etc., that would be useful in households of settlers in the tropics.

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<sup>1</sup> *L'emigrazione italiana negli anni 1924 e 1925*, p. 57.



The object of the agricultural courses was to provide some theoretical and practical knowledge of agricultural work in oversea countries. The curriculum included one of the three languages and the political and economic geography of the American continent. At the end of the course the intending emigrants were given a diploma of "pioneer settler".

In 1926 these various courses numbered 350. In order to reach rural populations, they were sometimes organised as itinerant courses (*cattebre ambulanti*), repeated in different townships.

Owing to the restrictions imposed upon Italian emigration from 1927 onwards, this work was suspended. A circular (No. 173) of the Director-General of Italians Abroad, dated 30 December 1927, abolished the itinerant courses, which were reproached with stimulating emigration artificially.

In *Japan* for some years the Government, either directly or by subsidising certain organisations, has been carrying out a scheme for encouraging emigration by various forms of training and cultivating public interest in emigration. This scheme is remarkable not only for the relatively high expenditure involved (fixed at 4.8 million yen for 1929), but also for the originality of the methods employed. The establishment of an "overseas museum" was decided upon in 1929-1930; and emigration inspectors in various organisations have been instructed to provide or help to provide emigrants, either at home or at the ports of embarkation, with the necessary linguistic and vocational guidance and training. In particular the purpose of the "overseas museum" was to show collections of objects and documents relating to the geography, life and customs of the countries to which Japanese subjects are encouraged to go, and also the life and work awaiting them there. In 1928 the Japanese Government announced that it would pay special attention to the vocational training of emigrants, on the ground that in emigration quality should come before quantity. The training scheme hitherto in force having given good results, the Government decided to continue it, subject to certain improvements, so that emigrants might adapt themselves more easily to the customs prevailing in oversea countries, and settle permanently in them.<sup>1</sup>

In the *Netherlands* the semi-official Emigration Society is informed of the names and addresses of all persons who apply

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<sup>1</sup> *Osaka Asahi*, 12 July 1928.



for passports for oversea countries, so that it may get into touch with emigrants proceeding to such countries and prepare them for their life in the country of immigration.

### § 3 — Applications for Labour

Reference must now be made to the steps taken by the employers in the immigration countries to obtain from abroad the workers that cannot be found on the spot. The questions for consideration are the methods of formulating and submitting applications for foreign workers, the main types of application, the methods of fixing quotas of migrant workers, and lastly the supervision and procedure to which applications are subjected before they are approved and recruiting operations undertaken.

#### SUBMISSION OF APPLICATIONS

When a Government desires to maintain migration within certain limits, whether in respect of emigration or immigration, it takes steps to ensure a supervision of applications for labour and to impose a regular procedure.

The simplest case is that in which the State, instead of exercising control over the applications themselves, confines itself to supervising one or more organisations, generally of employers, to which it has granted extensive rights of recruiting and placing. In Canada the immigration of workers from Central and Eastern Europe was regulated for several years by an agreement between the Dominion Government and the two main Canadian railway systems. Under this agreement Canadian employers applied for European workers direct to the employment agencies of these companies. In the Hawaiian Islands the "sugar planters" apply directly to the recruiting agencies for Chinese labour, and to their own association, the Hawaiian Sugar Planters' Association, for Filipinos.

The employer is often required to obtain an *authorisation* to engage foreign workers. In the first place, this authorisation is a matter for the competent authorities of the immigration country and, as will be seen later, it is only subsequently that the emigration country comes into the question.

This requirement of an authorisation may be permanent and its object may be to enable the State to exercise very general supervision over immigration. In Venezuela, for instance,



employers apply to the Central Immigration Committee, indicating the number of workers required, their occupation, race, nationality, age and sex, and specifying the living and working conditions offered. They must undertake to defray the cost of the worker's passage from the port of embarkation to the final destination. In the Brazilian State of Sao Paulo employers apply to the official employment office. The applications, which are individual, must state whether the worker will be boarded by his employer, and his wages per day, per 1,000 coffee plants treated, or per 50 litres of coffee picked. They must also state whether the foreign worker may cultivate a plot of ground for himself. The applicant may be required to deposit a guarantee covering the whole or part of the immigrant's travelling expenses.

The fact that the practice has become more general during the present world depression seems to confirm the view that in most cases the requirement of an authorisation results from a desire to protect the national labour market. To an increasing extent States are trying to compel undertakings on their territory to recruit workers from among the unemployed nationals, and an employer's application for foreign workers is submitted to comprehensive enquiry and supervision for the purpose of verifying the conditions of employment offered and examining the possibilities of meeting the employer's needs without resorting to immigration.

The application procedure may be entirely *unilateral*.

In Palestine employers desiring to introduce persons with a view to engaging them must submit a special application form to the Government Immigration Department. The procedure is similar in the United States, where the law prohibits the admission of workers under contract with the exception of skilled workers who cannot be obtained in the country. In their case the employer must apply to the competent immigration official. The application, which must be in the form of an affidavit, must specify the number and sex of the workers desired, describe the work they are to do, state whether the industry in question is already established or is new in the United States, indicate the approximate length of time required for one to become skilled in the trade, the wages paid and hours of labour required, whether or not a strike exists or is threatened among the applicant's workers, or there is a lock-out against such workers, the name of the cities which constitute the centre



of the trade in the United States, whether there are journals specially devoted to the industry in question, and lastly the nature of the efforts made to secure the desired labour in the United States. The application must be accompanied by such affidavits as the employer can furnish. He must indicate the names, ages, nationality and last permanent foreign residence of the workers he desires to engage, the port and the date of arrival in the United States and the name of the ship carrying them.

But only some of the questions raised by applications for foreign workers can be settled by unilateral procedure. The laws of the immigration country can indeed provide its authorities with the means of control, but they do not bind the authorities of the country of emigration, and therefore cannot assure the employer that his application will be met in the desired time and conditions. Hence bilateral treaties have been concluded to regulate the procedure governing applications for labour by providing regulations agreed to by the immigration and the emigration country.

Under the *bilateral treaties* concluded by France with Poland, Czechoslovakia, Hungary, Italy, Rumania, Austria, Yugoslavia and Spain, employers' applications for workers must conform to standard application forms established by agreement between the authorities of the two countries. The proper forms are filled in by the employers and submitted to the authorities of the immigration country. Usually they contain the principal clauses of the contract of employment.

By way of example we may quote the principal provisions of a form, agreed to in January 1930, and used in France for applications for Rumanian workers for industrial employment: particulars are given of the undertaking (style and address), place of employment, railway station, the name and address of the representative appointed to arrange the recruitment and transportation of the workers, the name and address of the representative appointed to conduct the occupational test (during the selection in Rumania), the district, if desired, in which the undertaking desires the recruiting to take place, the total number of workers applied for, (a) single men, (b) families, (c) women, the number of workers for each occupation, general observations on the nature of the work (in workshops, in the open, in the mountains, etc.). The form then reproduces the ordinary items of a contract of employment (equality of treat-



ment, hours of work, holidays, wages, housing, medical treatment, travelling expenses, termination, etc.).

Sometimes the applications are accompanied by a contract of employment signed by the employer, both documents being required by the authorities before any decision is taken on the application. This was the case, for example, for the recruiting of Polish seasonal agricultural workers for Germany. The distinguishing feature of the system in force up to the middle of 1931 was that it combined in one operation authorisation of engagement, an estimation of the number of foreign workers required, and the determination of the annual quota by the German Government. At the beginning of each October the employers submitted to the German public employment exchanges their applications for permission to employ foreign labour, indicating the number of immigrants previously employed, the areas cultivated and to be cultivated, the housing accommodation available and the number of workers required. It was these applications that formed the basis first for the control and then for estimating the need of Polish labour and fixing the quota.

Lastly, the procedure in applying for foreign labour is sometimes regulated by non-diplomatic agreements between a Government and a private association. For instance, until the conclusion of the Franco-Yugoslav Treaty, there was an agreement between the Yugoslav authorities and a French private organisation, the General Immigration Company, concerning the recruiting of labour for France. In Palestine various methods of application are provided for by the emigrants themselves, by their future employers or by the Jewish Agency, an approved private organisation which is invested with certain duties and is in constant touch with the mandatory Government. The Executive must back each application with all necessary guarantees for the maintenance of the immigrants, and possibly contracts of employment for specific posts.

#### THE VARIOUS KINDS OF APPLICATIONS

Under this head no account will be taken of spontaneous movements, where applications are of concern only for national placing purposes or are totally prohibited, as in the United States (with the exception already noted); and the analysis will be confined to organised recruiting and placing. Employers may apply for workers from abroad, either by naming them (nominal



applications) or by merely indicating the number and occupation (numerical applications).

*Nominal* applications, whether collective or individual, divide into two main sub-classes: those for workers personally known to the employer or recommended to the employer by one of his employees, and those for workers known to and named by an agent or intermediary. In the latter case, apart from the authorisation of engagement that the employer is usually required to procure, a special authorisation may be necessary for the intermediary. Generally speaking, applications of this kind are the rule in the absence of bilateral treaties, and they are also provided for in treaties, the number of such applications in proportion to the total number of applications varying according to the needs of the employment market.<sup>1</sup>

The British Empire Settlement Act of 1922 allows the authorities to assist emigrants nominated by relatives, friends, employers, etc., in the Dominion, who undertake to find employment for them or keep them for a certain time, usually fixed at twelve months. Mention may also be made of the treaties concluded by France with countries of Central and Southern Europe, all of which allow the employer to name the workers whom he desires to obtain. Similarly, part of the seasonal agricultural immigration into Germany and Austria is based on nominal applications by the employers. Lastly, the laws of some immigration countries (Palestine) or emigration countries (Italy) recognise and regulate applications for migrant workers by name. In Italy, in particular, such applications, which were generally prohibited in 1928, are now allowed for both collective and individual engagements.

*Numerical* applications are generally indicative of a systematic organisation of migration. Apart from applications for nominated emigrants, the British Government may also make contributions under the Empire Settlement Act of 1922 in the case of "bulk nominations" submitted by social, charitable or denominational organisations, and "requisitions" submitted by the Government of the Dominion concerned. Similarly, the bilateral treaties concluded by France, Germany and Austria with various emigration countries of Central and Southern

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<sup>1</sup> According to the official statistics of Polish emigration, the proportion of nominal applications (mainly individual) in 1933 was a large one and reached 85 per cent. in the case of agricultural emigration to France.



Europe provide for numerical applications from employers, and even contracts of employment with the workers' names left blank for the recruiting agent to fill in when the engagements are actually made. The present Italian regulations allow both numerical and nominal applications.

Applications may also refer partly to a number of workers mentioned by name and partly to a number not so mentioned. This arrangement was largely employed for Polish seasonal immigration into Germany.<sup>1</sup> Similarly, the Italian regulations in force in recent years made provision for applications, stipulating that the workers mentioned by name should not exceed 50 per cent. of the total; this rule seems no longer to be in force.

Applications, whether nominal or numerical, may also be differentiated according to the number of workers involved. For instance, the first labour treaties concluded by France from 1919 onwards<sup>2</sup> embraced both "individual" and "collective" recruiting. It is only after 1929 that the terms "nominal" and "numerical" as applied to applications are met with in bilateral agreements for immigration into France.

*Individual* applications are usually for a single worker, named or not. In some cases an individual application may be for the head of a family and cover the whole family. This is more especially the case in agriculture, where an employer will often wish the workman to be helped by his wife and perhaps children, not only for household duties but also for other light work — care of farm animals or helping generally. In other cases, individual applications contemplate facilities allowing the wife and children to join the head of the family at some future time.

Between individual applications and collective applications proper there is an intermediate class — those for *small groups of workers* frequently required by agricultural undertakings. This class was the main constituent of seasonal agricultural immigration into Austria and Germany. The agreements made by Germany with Yugoslavia (22 February 1928) and with

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<sup>1</sup> In Poland, in certain cases, particularly when the recruiting of workers mentioned by name could not be carried through either because of the regulations in force or because the worker refused to sign the contract of engagement, the Polish authorities might replace the names of one or more of the workers mentioned by other names.

<sup>2</sup> Except for the Franco-Czechoslovak Convention of 20 March 1920, which speaks of workers emigrating "separately" and "on their own initiative" and of "organised" recruiting; and also the Franco-Belgian Labour Treaty of 24 December 1924, which contains no special provision on applications for labour and recruitment.



Czechoslovakia (11 May 1928), and the Austro-Czechoslovak agreement of 24 June 1925, provided for the recruitment of groups of at least two or three persons under a leader. When the application is partly nominal and partly numerical, often only the leader of the group is mentioned by name and the employer relies upon him to find the rest of the group. Similarly, applications for Polish seasonal workers for German agriculture were often for couples, i.e. a man and a woman, but not necessarily man and wife. This system was known as "Paschwesen".

*Collective* applications are usually for larger groups and are more often from industrial undertakings of some size than from agricultural undertakings. These applications are provided for in the various bilateral agreements mentioned above concluded by France, Germany and Austria. The "bulk nominations" and "requisitions" under the Empire Settlement Act, whether submitted by employers, charitable or denominational organisations, or the authorities of the Dominion concerned, are also collective applications. This same type of application, whether nominal or numerical, is provided for in the regulations at present in force in Italy and Palestine.

Applications may also be classified according to the duration of the employment offered, for the regulations often vary according as the offer is for an indefinite or long period, or only for a specifically defined period. An account has already been given of the regulations and procedure governing applications for the immigration of seasonal labour into Germany and Austria, which has since the war been the chief if not the only type of immigration allowed into these countries. In other countries, however, applications for foreign labour fall into several classes according to the duration of employment; e.g. Palestine, where there are special regulations concerning applications for temporary labour. These applications must specify the number of persons that the employer wishes to bring into the country, the work offered, the place of work and the probable dates of entering and leaving the country. They must be accompanied by a declaration by the employer that if he cannot prove that the persons named in the contract of employment have left Palestine by the agreed date he will pay the Government an amount to be fixed by the immigration authorities.

Lastly, the term "application" may be interpreted differently in different countries. Sometimes it is a separate document that precedes or accompanies the contract of employment;



but in others the contract itself, if it is not signed by the employer, or even any written offer of employment from an undertaking in the immigration country, is considered an application. The main feature of these various types of application is that they come from the employer or are made in his behalf. Also, as will be seen later, if they are to be successful they must keep within the prescribed quota, if any; be subjected to various forms of control, first in the country of immigration and then in the country of emigration; and finally be accepted by the migrant worker himself.

### FIXING OF QUOTAS

The desire of immigration countries to estimate the probable foreign labour requirements of their undertakings over a certain period, and the desire of emigration countries to estimate, even approximately, the probable surplus of national workers in various occupations for a certain period, combine to further the systematic organisation of migration. The steps taken to this end may be unilateral or multilateral.

The former are generally met with in immigration countries. The most striking example is furnished by the United States, where the quota system, instituted in 1921 and reorganised in 1924, is intended to fix the number of persons of each nationality admissible per year or per month. This system has considerably influenced the United States employment market, although it applies to all immigrants and not to workers only. But persons born in Mexico, Canada and the Philippines that have in the past supplied United States agriculture and industries with large quantities of immigrant labour are not subject to this quota system.<sup>1</sup> Generally speaking, apart from the United States, Brazil, and South Africa, countries favouring spontaneous immigration rather than organised recruiting of migrant workers have not sought to limit, either by quotas or other direct means, the numbers of those workers arriving or leaving.

Most countries which pursue an active policy of recruiting and placing of migrant workers have mainly utilised *bilateral agreements or arrangements* of various types, not necessarily treaties.

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<sup>1</sup> By the Act of 24 March 1934, which granted independence to the Philippine Islands, a quota has been fixed for Filipinos, but Philippine citizens who wish to proceed to Hawaii on the basis of the needs of industries in that territory are excepted from the law.



In Palestine the Jewish Agency periodically submits proposals concerning the number of immigrants whose establishment would be practicable or guaranteed by it during the following six months. The High Commissioner then fixes the maximum number of immigrants of different occupations who will be actually admitted. The number of immigration certificates issued by the Government immigration authorities to persons whose admission has been requested by the Jewish Agency or who have themselves applied for admission, or whose admission has been requested by an employer, must not exceed the fixed maximum.

In two concessions <sup>1</sup> granted by the Yugoslav Government to the French General Immigration Company before the conclusion of the official Franco-Yugoslav agreement, the following procedure was laid down for fixing the annual quotas of agricultural or industrial emigrants. The Yugoslav communal offices registered the intending emigrants every year and communicated all the data to the Emigration Commissariat at Zagreb through the official employment exchanges or the local administrative authorities. A delegation of the General Immigration Company stationed at Zagreb communicated to the Emigration Commissariat the applications for foreign workers received from French undertakings. The Emigration Commissariat examined these applications and approved or rejected them according to the conditions offered by the employers and the information in its possession on the undertakings in question.

The agreements concluded by Great Britain with some of the Dominions form a sort of intermediate class as far as concerns the fixing of quotas, for they cover only that part of Dominion immigration constituted by British emigrants who receive Government assistance. The aim of these agreements was, however, not to fix the annual quotas of immigrants into the several Dominions, but to provide the basis of schemes for the settlement of immigrants, usually over a number of years. Most of the schemes hitherto approved have been for independent settlers, but before the present general trade depression some of them were also concerned with wage earners; such as, for example, the "requisitions" of certain Dominion Governments. As regards the other classes of worker, e.g. women household

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<sup>1</sup> The first concession dated 23 January 1925 was for the recruiting of agricultural, and the second, dated 11 December 1925, for the recruiting of industrial workers for France.



workers, the agreements in question do not seem to have fixed the number authorised to enter the Dominions.

In this connection, a resolution adopted in 1929 by the Canadian Trades and Labour Congress called for an enquiry into agricultural and industrial labour requirements along the lines followed in the Western Provinces by the Dominion Employment Service to estimate the number of harvest workers required. The resolution also asked for the enquiry to be repeated annually so that immigration might be regulated in accordance with the labour requirements of the Dominion, and independently of any influence that it might have on the profits of shipping and railway companies.

In Europe bilateral treaties have provided the emigration and immigration countries, chiefly France and Germany among the latter, with the necessary basis for fixing quotas.

The earliest of these agreements, the Franco-Polish Convention of 3 September 1919, and the Franco-Italian Treaty of 30 September of the same year, contain a clause providing that the Governments of the two countries shall fix in agreement the number and classes of workers who may be recruited collectively in such a manner as to prejudice neither the economic development of the one country nor the workers of the other. This clause was repeated verbatim in the Franco-Czechoslovak Convention of 20 March 1920 and, with the omission of the word "collectively", in the treaties concluded by France with Rumania (28 January 1930), Austria (27 May 1930) and Yugoslavia (29 July 1932). It should, however, be noted that the latest labour treaty concluded by France, the Franco-Spanish Treaty of 2 November 1932, does not provide for the fixing of annual quotas of immigrants.

The bilateral agreements regulating the immigration of foreign seasonal workers for German agriculture are also based on a quota system, involving very detailed arrangements that are deserving of notice. For instance, with regard to Polish immigration into Germany, it has already been seen that the German agricultural employers were required to submit their applications at a fixed date (the beginning of October). Once examined by the German authorities, these applications enabled the German Central Office for Workers to calculate the total number of persons to be introduced during the following year. This total was then divided up among the various emigration countries bound by special treaties with Germany, Poland being



the chief. The German authorities were thus able to submit concrete and precise proposals to the emigration countries. It is not, however, certain that so exact a system of estimating could be made general and applied in all immigration countries. The case in point concerned seasonal migration, homogeneous from the point of view of occupation, and the German authorities were thus able to apply a uniform procedure and fix definite dates for the successive stages.

Finally, as regards Austrian seasonal agricultural immigration, mention must be made of the successive collective recruiting agreements concluded by the Austrian Government with Czechoslovakia under the Treaty of Commerce of 4 May 1921, agreements that made it possible to fix from year to year the quantity of Czechoslovak labour to be recruited for Austria.

Two features are common to most of the agreements mentioned above: the fixing of quotas is entrusted to *joint committees or conferences* of representatives of the countries concerned, and the occupational organisations are consulted. On the first point the bilateral conventions concluded by France, except the recent Franco-Spanish Convention, provide for meetings of a joint committee at least once a year in one of the two capitals.

Every year up to 1931 inclusive representatives of the German and Polish authorities met to agree upon the final figure for the quota of Polish seasonal agricultural workers to be employed in German undertakings. For this purpose the German Central Office for Workers informed the Polish Emigration Office in December of the probable number of Polish agricultural workers required, divided into sex and age classes (adults or juveniles). The Polish Emigration Office examined the estimates and asked the German Central Office to make such alterations as seemed desirable, particularly in the total figure. It was on the basis of these proposals that agreement was reached towards the end of January at a meeting of representatives of the German and Polish authorities. A similar procedure was followed under the Germano-Yugoslav Agreement of 22 February 1928 and the Germano-Czechoslovak Agreement of 11 May 1928, which were also confined to agricultural seasonal immigration into Germany.

The Austro-Czechoslovak Agreement of 24 June 1925 lays down that annual conferences shall be held with a view to reaching agreement upon the organisation of recruiting and placing.



Unfortunately, but little information is available on the work of the joint committees, whose proceedings are not usually published. It seems that where the proceedings are not based on precise data such as applications from German employers the quotas are estimated from the information available concerning the employment market. By way of example it may be mentioned that the Advisory Franco-Polish Committee which met towards the end of 1929 fixed at 61,500 the total number of Polish emigrants to be recruited in 1930 for France. This total was divided up among the following classes: coal miners, iron miners, potash miners, building workers, workers for other industries, women industrial workers, agricultural workers. That year no figure was fixed for women agricultural workers, but this was an exception.<sup>1</sup> The agreed total of 61,500 was appreciably lower than the figure originally proposed by the French Government (96,000, including 12,000 women).

*Consultation of occupational organisations* is a practice conforming not only to the Recommendation adopted by the International Labour Conference at Washington and the resolutions of the International Emigration Commission, but also to the provisions of several bilateral treaties. For instance, the Franco-Italian Treaty of 1919 stipulates that with a view to estimating the number of workers to be recruited each State reserves itself the right, within its own territories, of consulting the employers' or workers' organisations concerned.

More explicit still, the Franco-Polish Convention of 1919 and the Franco-Czechoslovak Convention of 1920 provide that each of the two Governments shall acquaint the joint committee with the opinion of a National Advisory Committee which shall include, together with representatives of the authorities concerned, employers' and workers' representatives. This clause, however, has been omitted from the latest bilateral treaties concluded by France, which contain no mention at all of consultation with occupational organisations. As in France the public employment exchanges are consulted on each application for foreign labour, the opinion of the occupational organisations can always be obtained through the joint committees attached to the exchanges. In Germany the occupational organisations

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<sup>1</sup> The Franco-Polish Committee decided, however, that the quota of agricultural workers in 1930 might include the wives, daughters, or sisters of Polish workers already in France, provided they were applied for by name.



were consulted when first the local employment exchanges (*Arbeitsämter*) and then the Federal Institution for Unemployment Insurance and Employment Exchanges came to examine the applications for authority to engage foreign agricultural labour. Attached to the Institution was a Technical Committee consisting of representatives of German agricultural employers and workers. It was after consultation with this Committee that the Ministry of Labour framed the final quota proposals for submission to the German Government and the authorities of the emigration country. Attention should also be drawn to the particularly precise wording of the Austro-Czechoslovak Agreement of 24 June 1925 providing that representatives of occupational associations of the Austrian employers and Czechoslovak workers chiefly concerned should take part in the annual conferences between the two countries.

The advantages accruing to the Governments concerned through the fixing of quotas in agreement are partly due to the care taken to avoid excessive rigidity in the arrangements and to allow them to be adapted as promptly as possible to circumstances that often change very rapidly from season to season. In Palestine the regulations under the Immigration Ordinance of 1925 state that if the Chief Immigration Officer is of opinion that employment will be forthcoming for more immigrants than the number provided for in the six-monthly labour schedule, he may issue additional certificates up to 5 per cent. of that number. Sometimes it is the emigration country that takes steps to reduce the quota. For example, at the meeting of the Franco-Polish Committee in December 1929, the Polish Delegation declared that its Government reserved the right to review, towards the middle of the following year, the quota fixed by the Committee.<sup>1</sup> In fact, it is well known that Poland has on several occasions urged the Committee to reduce the quotas asked for. Similarly, a clause in the Austro-Czechoslovak Agreement of 24 June 1925 reserves the right of the Czechoslovak authorities to recall all or part of their nationals employed in Austria under the Agreement if they consider

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<sup>1</sup> It has also happened that the Franco-Polish Committee has itself decided, when fixing the annual quotas, that these quotas were subject to review at any time of the year if the economic situation of either of the two countries made this necessary, and one of the two Governments so requested; or has held a second session in the middle of the year to review the situation. As regards the Franco-Italian Committee, the Labour Treaty itself stipulated that it should meet at least twice a year.



it necessary for national or political, although not for economic, reasons. It remains true, however, that it is the countries of immigration which have applied restrictions on the movement of migrants in the majority of cases during recent years.

#### CONTROL AND TRANSMISSION OF APPLICATIONS

When the procedure outlined above, or as each separate stage, is completed, the applications for migrant workers are scrutinised from various points of view and either rejected or forwarded for action to the actual recruiting organisation.

This examination may be exercised either by one of the two countries concerned or by both, and in the latter case either independently in each or by collaboration between them.

As regards *unilateral* measures, it may be mentioned that in the United States every application for the special introduction of foreign workers must be submitted for enquiry to an immigration official and then transmitted through the Immigration and Naturalization Service to the Secretary of Labor, who takes the final decision. If it is favourable, a copy is sent to the immigrant's port of arrival.

In Palestine the authorities examine applications more especially to see whether they would exceed the absorptive capacity of the country. In the case of temporary workers, they ascertain whether the employer cannot find the number required in Palestine. As regards immigrant workers in general, the immigration authorities deliver immigration certificates up to the amount of the half-yearly labour schedule and forward them according to circumstances either to the immigrant himself or to his future employer. If after all the applications have been met the quota is not exhausted, the chief Immigration Officer distributes certificates in blank to the Jewish Agency and to the employers who have submitted applications.

In Luxemburg applications must be examined by the official employment exchange, which certifies that the vacancies cannot be filled by Luxemburg workers, and that the future immigrants' papers are in order.

In Italy immigration is governed partly by international treaties and partly by national regulations. The system in force is particularly interesting because it distinguishes three different classes and provides a special method of control for each class as follows:



1. Individual nominal applications are forwarded by the competent Italian Consular authority as a rule to the mayor of the worker's place of residence. The worker can thus obtain a passport and go to his place of work without further formalities.

2. Collective nominal applications are all sent to the Ministry of Foreign Affairs, which forwards them to the official emigration offices for the districts in which the workers are to be recruited. These offices communicate with the mayors, who pass on to the workers in question the relevant extracts from the application.

3. Collective anonymous (numerical) applications are also sent to the Ministry of Foreign Affairs, and from there to the official emigration offices, which likewise undertake the recruiting of the workers applied for. In this case the offices communicate with the public employment exchanges, which have to select the workers to be recruited.

*Bilateral* agreements may be concluded either between a Government and a private organisation, or between two Governments. The control exercised by the Government concerned may take various forms in either case. For example, as already noted, when the delegation of the General Immigration Company at Zagreb forwarded to the Yugoslav Commissariat the applications for workers that had been received from French undertakings under the concessions of 1925, the Commissariat examined and approved or rejected the applications according to the conditions offered by the employers and the information available with regard to the undertakings. Conversely, in an immigration country the authorities may control the applications for foreign workers submitted by organisations with which they have concluded agreements.

But the most detailed procedure is found in agreements concluded directly between countries of emigration and countries of immigration. The Franco-Polish Convention of 3 September 1919, supplemented by the Protocol of 3 February 1925, established for "collective" recruiting a system analogous to that established by the Franco-Czechoslovak Convention for "organised" recruiting. A copy of each application for "organised" recruiting is submitted for approval to the competent authority of the immigration country and forwarded by this authority to the competent authority of the recruiting country. Approval is only given if the working and living conditions



offered in the application are in harmony with the principles laid down in the Convention, e.g. if the workers can be suitably boarded and lodged, and, further, if the labour requirements justify recruiting abroad. The Franco-Polish Protocol of 3 February 1925 states that approval shall be refused if it has been found that the employer applying has seriously or habitually infringed the conditions laid down for the employment of Polish workers. As to transmission itself, the two above-mentioned Conventions stipulate that the application shall be forwarded through diplomatic channels to the authorities of the recruiting country, with an indication of the number and classes of workers and, if necessary, the name of the agent appointed to collaborate in recruiting.

After 1929, however, the bilateral labour agreements concluded by France began to draw a distinction between individual or "nominal" recruiting and collective or "numerical" recruiting, and consequently two different methods of transmission were provided for. Under the latest agreements (France-Austria, 1930; France-Yugoslavia and France-Spain, 1932), numerical applications, when approved by the competent authorities of the immigration country and submitted to the competent authorities of the emigration country, must be in conformity with the standard application framed in agreement. *Nominal* applications, when approved in the same conditions, are forwarded either directly or through the employer to the workers applied for.

On the other hand, the Germano-Polish Treaty of 24 November 1927 provided that all applications without distinction should be transmitted to the Polish public employment exchanges, which would forward them to the persons concerned; and that no application should be addressed directly to these persons.

Even nominal applications were covered by this procedure, the aim of which was to prevent frauds. It had in fact happened that employers afraid of not obtaining the workers applied for had sent a foreman to Poland to obtain workers illegally. This foreman having selected his men would send a list of them to the employer, who then gave their names in his nominal applications. According to some Polish authors, these fraudulent applications accounted for up to 90 per cent. of all the nominal applications submitted by German employers. In order to put a stop to this procedure, the Polish authorities decided not to



accept any more nominal applications except those for workers who had been employed the year before in the undertaking concerned.<sup>1</sup>

In any case, when a German employer submitted to his national authorities an application for permission to engage workers, this application was examined in the first place by the employment exchange of his district, which checked his statement on the spot and investigated the state of the local employment market. The joint committee of this office employed various criteria, more particularly the area and type of crops (due regard being paid to the special requirements of beet-growing), housing conditions and the labour available locally. Next the application was examined by the State employment office (*Landesarbeitsamt*) with reference to the labour market under its supervision. Then all the applications for foreign labour for the various States were scrutinised by the Joint Technical Agricultural Committee of the Federal Institution for Unemployment Insurance and Employment Exchanges. As soon as his application was accepted, the German employer authorised the German Central Office for Workers (*Deutsche Arbeiterzentrale*) to recruit the foreign workers on his behalf up to the quota allowed him. To this end he submitted to this Office an application for labour accompanied by a contract signed by him, the clauses of which had been drawn up by the Joint Technical Agricultural Committee referred to, in conformity with the standard contract annexed to the German-Polish Agreement of 24 November 1927. Before taking an application into consideration, the German Central Office had to satisfy itself by an enquiry on the spot that the housing accommodation for the workers was up to the moral and hygienic standards prescribed in the Treaty.

When this had been ascertained and agreement had been reached with the Polish authorities as to the quota and its distribution, the German Central Office, by communicating the requisite number of employment contracts, directly informed the Polish public employment exchanges of the number of workers that it proposed to recruit in their respective areas.

The Germano-Czechoslovak Agreement of 11 May 1922 provides that the German Central Office for Workers shall collect applications for workers and forward them to the com-

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<sup>1</sup> St. RUZIEWICZ: *Le problème de l'émigration polonaise en Allemagne*, p. 240. Paris, 1930.



petent Czechoslovak employment exchange, together with four copies of the contracts of employment signed by the employer or, on his behalf, by the Office. These contracts must be in conformity with the standard contract drawn up by the Technical Agricultural and Forestry Committee of the German Institution for Unemployment Insurance and Employment Exchanges. The Czechoslovak employment exchange countersigns the contract and forwards it with the employers' instructions to the foreman selected.

Lastly, under the Austro-Czechoslovak Administrative Agreement of 24 June 1925, two copies of the contract of employment signed by the employer and approved by the Austrian Ministry of Agriculture are forwarded to the competent Czechoslovak employment exchange, together with an advance of 26 Czechoslovak koruny on account of recruiting and miscellaneous expenditure. This expenditure is subsequently refunded by the employer.

Comparison of the various procedures outlined above will focus attention on certain points, either because they recur frequently or because of their particular importance for the workers and employers in question.

In the first place, in controlling applications the authorities consult the occupational organisations of employers and workers chiefly concerned. This consultation may take very different forms. For example, under various bilateral treaties the countries of emigration or immigration submit applications for the recruiting or placing of migrant workers to a public employment exchange to which a joint committee of employers and workers is attached.

One of the principal aims of control is to ensure that the equality of treatment often guaranteed by the country of immigration to the country of emigration is actually enforced. Secondly, the authorities generally require an assurance that the workers recruited are not intended for an undertaking in which a strike or a lockout is in progress. However, although a recommendation of the International Emigration Commission dealt specially with this point in 1921, it is explicitly mentioned only in very few agreements, among them a Franco-Polish Protocol and the Franco-Czechoslovak Convention of 1920, which lays down that the authorities of the immigration country shall not approve applications unless an assurance is given that there is neither a strike nor a lockout, nor any labour troubles whatsoever in the undertaking making the application.



One last point is of special interest to employers: the rapidity of the control and transmission operations, which are sometimes very numerous. Delay in taking action may cause serious prejudice to the undertakings concerned. This point is generally covered by administrative agreements. For instance, at its meeting of 21-22 May 1930, the Franco-Czechoslovak Committee resolved that if the Czechoslovak Ministry of Public Welfare decided to take no action on a French application for workers, it should notify its decision, with the reasons, to the delegates of the French Ministry of Labour in Czechoslovakia, it being open to the Ministry to make enquiries. Also, the Franco-Polish Committee decided, in December 1929, that the French authorities which submit applications to the Polish authorities should be informed within three weeks of the action taken. If the Polish authorities were unable to reach a decision within this time limit, they should so inform the French authorities, giving the reasons. If there were need of enquiries on the French side, they should be carried out by the French authorities and the results should be notified to the Polish authorities.

#### § 4. — Recruiting

Recruiting has been defined as the active search for labour by an employer or an agent acting on his behalf.<sup>1</sup> That is, however, rather a technical definition, for “recruiting” is usually understood to include all operations involved in engaging workers.<sup>2</sup> In the present chapter, it has been found convenient to use the word “recruiting” for the most part in the technical sense referred to above.

It should be noted that some emigration laws give the national authorities a monopoly of recruiting for employment abroad. In that case, the rôle of the employer’s recruiting agent is confined to selecting the candidates submitted by the emigration authorities in response to his application. If, however, the employer applies for workers by name, he takes a more active part in recruiting, especially when these applications may be sent directly to the workers. In this case recruiting is conducted by correspondence.

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<sup>1</sup> Cf. INTERNATIONAL LABOUR OFFICE: *Migration Laws and Treaties* (Studies and Reports, Series O, No. 3), Vol. I., p. 149.

<sup>2</sup> On this question of definition, see p. 100, below.



In countries where recruiting is not a State monopoly the employer or his agent has a much greater freedom of action, although frequently a licence is necessary.

Between these two extremes are a number of intermediate systems involving collaboration of the employer or his recruiting agent with the authorities of the emigration country.

#### DIRECT ACTION BY THE EMPLOYER OR A RECRUITING AGENT

The most rudimentary form of recruiting to be considered in this report is a direct search for workers by the employer's recruiting agent. His mode of procedure may be to publish a general announcement in the emigration country, or to get into personal touch with the intending emigrants, or both. Propaganda and direct recruiting by agents are generally prohibited in Europe. It is a method of recruiting mainly used in colonies and countries with similar labour conditions, which are not dealt with in this report.

An example of recruiting which can be mentioned here is that of *Filipino* workers for the Hawaiian Islands, or for continental United States. Recruiting for the Hawaiian Islands is almost entirely in the hands of the Hawaiian sugar Planters' Association, comprising over forty sugar planters, which has a licence from the Philippine Government. To induce Philippine workers to go to the islands, the agents and sub-agents of this organisation employ all kinds of propaganda, e.g. alluring films showing the distribution of cheques in the plantation on pay-day, or a group of happy workers in the Harvest Home festival, etc.

These agents and sub-agents are themselves natives of the Philippines and receive 3 ½ dollars for every worker recruited and finally passed by the Association's doctor. It appears, however, that the Association's recruiting operations do not unduly swell the stream of Philippine emigrants to the Hawaiian Islands, since it regulates the inflow of workers according to the number of vacancies.

But emigration from the Philippines to the United States does not seem to have been kept within such reasonable limits, for it was stimulated by transport companies which had recruiting offices in the islands.<sup>1</sup> In 1931, in the course of an enquiry

<sup>1</sup> Since the Philippine Islands became independent, they have been subject to a quota which has been fixed at 50 per annum.



undertaken by the American Council of the Institute of Pacific Relations, a shipping company's agent made the following statement: "The Office is kept open throughout the year, partly as an advertising measure. Our advertising takes the form of posters, but not circulars. There are about twelve agents in our district. These operate in nearly every town, following up by house-to-house canvas any rumours or possibilities of emigrants. These agents are all natives of their district and consequently know the inhabitants well. We warn them not to persuade by colourful promises, because if these fail to come true it is bad for business. We tell them simply to say that wages are higher, and so on. We do not watch these agents all the time; of course, some of them may exaggerate." <sup>1</sup> The Philippine authorities do not intervene directly in the recruitment of workers, but they seem to favour the most trustworthy agencies, such as those of the H.S.P.A. and the "Dollar Line". An Act of 1915 requires every person or undertaking engaging or embarking workers to obtain a licence. This Act also set up a Bureau of Labor whose duties include supervision of the contracts concluded between the H.S.P.A. and Filipino workers.

In *Japan* there are also large organisations for recruiting workers or settlers for overseas. For instance, from 1918 to 1931 the Kaigai Kogyo Kaisha, a company whose principal founders were large transport undertakings, recruited 97,458 emigrants, almost all for Latin-America (including 77,830 for Brazil) and the Pacific (including 14,462 for the Philippines). <sup>2</sup>

In Europe most of the recruiting by means of collective or numerical applications is carried out with the active assistance of special private organisations created under the auspices of economic or employers' associations. For example, the German Central Office for Workers (*Deutsche Arbeiterzentrale*) which played an important part for many years, and was supervised and approved by the authorities in Germany and in the emigration countries for the recruiting of agricultural seasonal labour required by German farmers, was created and developed by the German Chambers of Agriculture (employers' organisations), although it afterwards became a joint body. In France there were at a recent date four bodies approved for the purpose of recruiting, selecting, and transporting foreign or colonial labour. Of these,

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<sup>1</sup> BRUNO LASKER: *Filipino Immigration to Continental United States and to Hawaii*, p. 216. Chicago, December 1931.

<sup>2</sup> *Iminoki Jijyo*, February 1932.



one was a transport undertaking and two others were employers' organisations acting for particular branches of industry (the iron mines and the iron and steel industry in the east, public works and building material). The fourth, and most important, was the General Immigration Company, which established selection stations (*délégations professionnelles*) and transport services in Poland, Czechoslovakia, Yugoslavia, Austria, Lithuania, Spain, and Portugal,<sup>1</sup> and which, from 1923 to 1929, organised the immigration of about 1.2 million workers in France. It is a limited liability company created in 1924 with a capital of 2 million French francs, which was gradually increased to 20 million by 1930. It was created under the auspices of coal mining companies, engineering and mining companies, and agricultural associations, which provided the capital and the members of the Board of Directors. Generally speaking, the activity of individuals or organisations authorised to recruit foreign labour for employment in France is regulated by a Decree of 20 April 1932, and a contract is drawn up with which they are expected to comply.

Direct recruiting of foreign workers by the employer's agent is still met with in Europe. According to a report of the Austrian Chamber of Workers and Salaried Employees (1930), one method of engaging *Austrian* workers for *France* is for the French employers to send special recruiting agents to Austria to select the workers required. The report remarks that undertakings are better able to find skilled workers by sending agents at their own cost than by relying on an employment exchange. Generally, however, an active part in recruitment and selection for France is played, as has already been seen, by special private organisations, such as the General Immigration Company.

#### RECRUITING BY PUBLIC AUTHORITIES

Emigration countries are tending more and more to create a State monopoly of recruiting for employment abroad, especially in the case of *collective* recruiting. This principle is observed in several bilateral agreements, including those concluded by France and Germany with various Central and Eastern European countries. For example, the Franco-Czechoslovak treaty stipulates that in Czechoslovakia "organised" recruiting shall

<sup>1</sup> Some of these selection stations have since been closed owing to the economic depression.



only be carried out through the Central Labour Office, and in France through the National Labour Office. Workers who are recruited collectively, however, are, before their departure, accepted or rejected either by an official mission of the Government of the country in which they are to be employed or by a person approved by the two Governments. All recruiting directly undertaken by employers or their representatives otherwise than through the above-mentioned authorities is null and void, and the resulting contracts of employment are invalid.

In this connection the International Conference on Emigration and Immigration held at Rome in 1924 recommended that collective recruiting should be carried out in the following conditions:

(1) The recruiting of workers for foreign countries may be subjected in all countries to previous authorisation by the authorities of the State;

(2) Emigration States may decide that recruiting operations can only be carried out through employment and emigration offices, instituted or supervised by the State;

(3) Where there are agreements between Governments for the collective recruitment of workers, the conditions of recruiting may be established after consulting the employers and workers of the industries concerned in the two countries.

The public authorities may make themselves responsible for all the phases of collective recruiting (as in Italy),<sup>1</sup> or confine themselves to the preparation of recruiting and selection, which are actually undertaken in conjunction with representatives of authorities or employers of the country of immigration (recruitment in various Eastern and Central European countries for France and Germany).

In countries where foreign delegates are allowed to select the workers, the function of the national authorities may be confined to advertising the recruiting, the date, the number and class of workers required, etc. This sort of advertising is generally done through the press or by posting up notices on public buildings (town-halls, schools, churches, etc.). These brief notices are usually supplemented by detailed information

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<sup>1</sup> When collective applications which give no names are made for the employment of Italian workers abroad, the official emigration offices forward them to the public employment exchanges, which select workers of the occupation required.



furnished by the public employment exchanges or other public offices to persons who apply for it.

However, in the case of organised collective recruiting, these measures are not always considered sufficient. Emigration countries do not want to leave the social and occupational composition of large masses of recruited workers entirely in the hands of foreign agents, and sometimes the authorities take part in the selection operations. But a preliminary examination of would-be emigrants by the emigration authorities before selection has actually begun can undoubtedly be much more effective.

This preliminary control, in reality a preliminary selection, is effected by registering intending emigrants.

Measures of this kind were adopted by the Polish Government as preparation for the recruiting of seasonal agricultural workers for Germany. Registration was free for all persons presenting themselves for recruitment, but a quota was fixed for each commune by the local authorities. The following classes were excluded: persons not possessing Polish nationality; men liable to military service and soldiers on leave; persons not employed in agriculture, or suspected of having other intentions in Germany than agricultural work; cripples, invalids or pregnant women; unaccompanied girls under 21 years of age; families with children not fit to work. Property owners whose income sufficed to support themselves and their families were not eligible for registration unless the quota allotted to the commune was not exhausted by needy applicants. Priority was given to persons without means who had already stayed in Germany for long periods, agricultural workers without land, and owners of small holdings.

The registration lists were communicated to the Emigration Office, and served as a basis for examining the quota proposed by the German Central Office for Workers, and for the distribution of the recruiting operations over the country.

The areas in which the emigrants are to be recruited is a matter of the first importance for emigration countries, and has formed the subject of explicit stipulations in bilateral treaties. Most of the agreements concluded by France with other European countries state that the Government of the country in which the recruiting is carried out reserves itself the right of selecting the districts in which recruiting will be authorised. The bilateral agreements regulating immigration into Germany have detailed rules on this point. For instance, when communicating the



estimate of Polish workers required, the German Central Office for Workers indicated every year how it proposed to distribute the recruiting operations over the various parts of Poland. In the light of the general state of the national labour market and the particular conditions of each recruiting district, the Polish Emigration Office examined the estimated quota and its geographical distribution. It then informed the German Central Office of the changes it proposed to make and at the end of January an agreement was finally reached.

The Polish Government's desire was to spread recruiting as widely as possible over the country and put a stop to the habit of recruiting the whole quota from certain districts only. It is true that this policy was in opposition to the wishes of the German employers, who every year wanted to recruit workers who had already lived in Germany and knew the work, the language, and the customs of the country; but the Polish view was that these "professional emigrants", who left in the spring of each year and returned in the autumn, were harmful to the national political and economic life. They neglected their own farms, and in the winter wasted the money they had saved in Germany. The Polish districts that furnished the bulk of the seasonal labour for German agriculture were distinguished by their particularly low standard of general education and agricultural science.<sup>1</sup>

Hence the Polish authorities combated this "professional" tendency by spreading recruiting, and restricting applications for workers by name as far as possible. This seasonal emigration was concentrated in fifteen districts in the provinces of Poznań and Łódź, and around Częstochowa; but any extension of recruiting to other parts of Poland, and especially the poor and over-populated southern provinces, carried with it the risk of a return of illicit emigration among the inhabitants of the traditional emigration centres. Consequently the Polish Government's efforts were not very successful. The percentage of emigrants recruited in the three southern provinces of Cracow, Lwów and Stanisławów rose only from 7 per cent. in 1927 to 16 per cent. in 1930, whereas the district of Wieluń (Province of Łódź) alone supplied about 26 per cent. of the total every year.

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<sup>1</sup> Władysław SKOWRON: *Emigracja sezonowa do Niemiec jako zagadnienie społeczne i gospodarcze* (Seasonal Emigration into Germany as a Social and Economic Problem), p. 10. Warsaw, 1931.



Special steps had also been taken by the German authorities to time the arrival of the Polish seasonal workers so as to make it possible to allot to the undertakings requiring them any German workers who might have become available at the last moment, i.e. at the beginning of the agricultural season. Under a provision framed for this purpose in 1929, a German employer could not have all his quota at once, but was entitled to 60 per cent. up to 15 April and the remaining 40 per cent. afterwards. It would seem, however, that this arrangement seriously complicated recruiting operations, for they had to be spread over several months when otherwise they could have been completed in a short time.

#### ACTION BY PHILANTHROPIC SOCIETIES

The salient features of the recruiting system for British workers going to the Dominions have already been outlined in the section on the transmission of applications. For the most part it is collective recruiting, and individual applications usually come not from employers but from friends and relatives abroad. Its characteristic feature in fact is the non-intervention of the employer, whose role is confined to submitting an application to the Dominion authority or to one of the British voluntary associations having connections in the Dominion. In the first case, recruiting is effected through the Dominion representative in Great Britain, to whom intending emigrants apply direct or through the public employment exchanges (requisitions); and in the second, through a voluntary association (bulk nominations). This latter system appears to have played a prominent part in British migration during the post-war period, and to have given good results, especially in the case of institutions working in both Great Britain and the Dominions, e.g. the churches, the Y.M.C.A. and the Boy Scouts Association. The Dominions branches of these institutions have first-hand knowledge of employment prospects, and the British branches are in touch with the intending emigrants. Consequently, labour supply and demand can be properly co-ordinated.

#### § 5. — Selection

The selection of workers offering themselves for recruiting is undoubtedly the most important phase of the operations.



It is at this moment that all the parties interested in recruiting meet together for a final decision as to the workers who shall be engaged by the foreign undertaking.

Stricly speaking, the use of the word "selection" should perhaps be confined to the actual choice of suitable persons, but, as a matter of fact, it is frequently used to include the "negative" act of rejecting undesirable or unsuitable persons. It therefore consists of (a) operations of an administrative character, that is to say, the elimination of applicants whose departure is impossible for purely administrative reasons (military service, unpaid taxes, etc.); operations of this kind are undertaken by the authorities of the emigration country and the labour departments have very little say in the matter; (b) the choice of those applicants whose technical qualifications comply with the requirements of the employers; (c) the elimination by the authorities of the emigration country of applicants who do not appear likely to withstand the difficulties inseparable from residence in the immigration country concerned or to ensure the maintenance of their families who remain behind in the emigration country; and (d) one or more medical examinations which sometimes vary according to the sex of the applicants (examination of women applicants by a midwife in order to eliminate those who are pregnant).

This enumeration is not, of course, exhaustive. Reference may also be made to measures which have been adopted in Poland relating to the prohibition of the emigration of women to France if they are unable to write, as this might prevent them in case of need from sending complaints to the appropriate authorities or organisations, or the prohibition of the engagement of married men who do not promise to send for their families later on, etc. Other methods of selection have also been considered, such as, for example, the interesting experiment made by the Polish Government in connection with a psycho-technical selection, useful both from an occupational and a social point of view.

These indications suffice to show the progress already accomplished and even more the amount that still remains to be done. Reference will now be made to the general principles and the various methods of selection actually adopted hitherto in the different countries.



## GENERAL PRINCIPLES

The growing tendency to restrict or even prohibit direct recruiting or "crimping", and to make the emigration authorities responsible for a preliminary choice of intending emigrants, is shifting the centre of gravity of operations undertaken for the engagement of workers towards selection, which must be carried out in the light of various criteria as mentioned above.

The person primarily interested in this selection is the future employer, who wants a properly qualified employee. The Secretary of a French employers' association has quoted an illuminating example of what may happen. A worsted spinning mill in the North of France needed wool spinners and had applied for them to a central European country where large numbers of wool and cotton operatives were unemployed. When the desired engagements had been authorised and recruiting prepared, the mill's agent was invited to make the final selection on the spot, but then found that the candidates were cotton spinners quite unsuitable for wool spinning.

In the case of oversea emigration, the recruits are often selected by representatives of the immigration country — consuls or immigration agents. Then the selection does not depend entirely upon health and occupational qualifications, but regard is paid to certain political and economic principles. The classic example of selection of this kind is furnished by the United States consular procedure.

The emigration country is not less interested in the selection operations. Frequently its policy is to encourage the departure of certain occupational classes and restrict that of others. The desire to "valorise" the national emigration leads it to send abroad strong and healthy workers well trained in their occupations, and — what is new but becoming increasingly noticeable — conscious of their spiritual ties with the country of origin.

In the enumeration of the different parties concerned in selection, last but not least comes the worker himself. The question of his admission to the immigration country is of the greatest consequence to him, but in present circumstances he really has no voice in the selection operations. He is there rather as the object of the operations than as an active participant, and this is not without serious disadvantages both for him and his future employer. We shall revert to this question when analysing selection procedure.



A distinction should be drawn between the different forms of migration. Under recruiting systems not organised by bilateral agreements, it is most often the employer or the representative of the immigration country who has the decisive voice in the selection. Then the emigration authorities only exert an indirect influence, either by an effective passport policy or by other methods of encouraging or restricting the emigration of certain classes. The situation is much more complex when the authorities of the two countries concerned, and perhaps representatives of the employers also, co-operate directly in the selection operations.

Sometimes selection and recruiting are kept distinct. In certain countries the agents apparently do not like to be regarded abroad as recruiters and they state that they confine themselves to selecting workers.

On the other hand, the recruiting and selection operations are often carried out in the same place at very short intervals of time. Moreover, representatives of the employer sometimes take part in the recruiting (France — Poland, etc.)<sup>1</sup> and the authorities responsible for recruiting sometimes take part in the selection of applicants (Germany — Poland), or at any rate are present while the selection is made (France — Poland). It is, therefore, often difficult to distinguish clearly between recruiting and selection.

This difficulty seems to arise from the wording of the official texts in force in certain countries. Thus, in ordinary conversation "recruiting" is used in a wide sense and includes all phases of the procedure adopted, with special reference to the final result. In the various texts used, however, the words "recruiting" and "selection" have technical meanings, the former indicating only the preliminary phase during which the authorities of the emigration country register the applicants and assure themselves that these applicants may be allowed to emigrate, while the latter covers all the subsequent phases during which the representatives of the immigration country or of the employer or it may be an agent with or without the active assistance of a representative of the emigration country, examine and accept or refuse the applications of those persons who have already been recruited and engage those considered suitable.

Various international conferences have considered the problem of selection. A resolution adopted by the International

<sup>1</sup> See below, pp 105.



Conference on Emigration and Immigration held in Rome in 1924 expressed the view that the employer should be entitled to “require a medical and technical examination of each worker” (section III, resolution 7, paragraph 4). Another resolution read as follows (section I, resolution 2):

“The Conference,

“Recognising that it would be in the interest of emigrants to reduce as far as possible the number of medical inspections to which they are subjected;

“Expresses the wish:

“That those States which are in a position to do so within the limits of their laws and regulations should endeavour to take steps to provide for medical examinations, before departure, of a sufficiently thorough character to reduce to a minimum the possibility of the emigrant being rejected on medical grounds at the port of landing.”

The second International Conference on Emigration and Immigration, held at Havana in 1928, recommended that “an occupational selection of emigrants should be organised before their departure from the country of origin, so as to minimise the possibilities of conflicts arising in the country of immigration concerning the immigrants’ occupational qualifications proper or their general occupational utility.”

The requirements of employers and immigration countries on the one hand, and vocational training in the countries of origin on the other, have contributed to a very considerable improvement in the standard of health, culture and occupational skill among immigrants. It has rightly been said that from the physical and moral standpoint emigrants are often the cream of the population. In spite of this undeniable progress, the selection methods at present in force are far from perfect and could certainly be improved in many respects. There should not be too many medical, occupational or other examinations, otherwise recruiting and emigration procedure would be unduly complicated and protracted. Moreover, however many examinations he has passed, the emigrant still runs the risk of rejection at the frontier of the immigration country, as many instances from the United States have shown. Similarly, there have been cases of Polish workers emigrating to France who, after having had two medical examinations by French representatives in



Poland, have been found unsuitable at a third medical examination at the French receiving centre at Toul, or even at a fourth examination after they have passed through Toul made at the request of the employer at the place where the immigrant is to work.

Another question is that of the criteria determining the choice of emigrants and the circumstances in which this choice is made. The haste of selection agents has often been criticised, but up to a point haste is inevitable and even desirable. It is, of course, not always necessary to set up speed records, and indeed such records have not been verified officially.<sup>1</sup> Nevertheless, prompt handling of applications for workers, which is indispensable to the efficient working of employment services in the national sphere, is absolutely imperative in the case of international placing, where weeks and months may elapse between the submission of the employer's application and the workers' arrival.

But more important still than promptness is accuracy. Hence the need of choosing the right method in selecting emigrants. Very often selection agents seem a little too inclined to proceed on strictly commercial lines and to treat the emigrants as commodities for inspection and grading. This outlook is only too clearly betrayed by such expressions as "labour exporter", or applications for "express workers". Too often also selection is based on purely superficial conceptions and pays too little attention to human factors like the emigrant's character, cultural needs and family circumstances. These, however, are psychological factors on which the success of international placing operations may frequently depend.

It must, however, be admitted that the emigrant himself does not facilitate the task of the selection agent. Often he has only one thought — emigration at all costs. He rarely bothers to learn anything about his future life, and even if he is correctly informed his desire to emigrate will sometimes lead him to lie about his past or his occupational qualifications, so as to secure acceptance.

It can hardly be doubted that a greater individualisation of the selection procedure would remedy some of the drawbacks mentioned above. This might be brought about by the co-operation of parties who at present only exceptionally take part

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<sup>1</sup> Georges LEFÈVRE, *Homme-Travail*. Paris, 1929.



in selection, namely, representatives of trade unions and emigrants' protection societies.

The Washington Recommendation expressed the view that the collective recruiting of workers should only take place after "consultation with employers and workers in each country in the industries concerned". In 1930 the Social Legislation Committee of the French General Confederation of Labour called for the reorganisation of selection methods in emigration countries. The Committee's opinion was that the occupational qualifications of the workers recruited should be verified by delegates of the competent employers' and workers' organisations.

The private associations for the protection of migrants urge that the "social" and "moral" selection of emigrants should be undertaken by persons properly trained in social investigations. These persons should belong to the country of emigration and be thoroughly conversant with the language and dialects spoken in the recruiting districts.

#### PROCEDURE

Without going further into the general problem of the selection of emigrants we may now pass to the actual practice in the different countries, as far as concerns selection operations before the emigrant's departure. The examination of emigrants at the frontier of the country of destination will be dealt with in a later chapter.

The selection procedure for general emigrants as distinct from workers who have been specially recruited will be considered very briefly. Here the aim is more especially to eliminate sick, infirm or otherwise undesirable persons. The medical examination is made either by the emigration authorities of the one country or, if they have the necessary powers, by the immigration authorities of the other. The examination by immigration authorities (consuls or special officials) also extends to the other conditions required for admission of immigrants.

An example of a particularly detailed examination is furnished by the *United States*. The Immigration Act of 1924 requires an emigrant applying for an immigration visa for admission to the United States to supply a great deal of information of all kinds. The consular agent makes him sign an application and swear to the truth of his statements. The United



States have concluded agreements with a number of countries for the medical examination of intending immigrants by American officials before the immigration visa is granted. Immigrants who have passed this examination do not have to go to the immigration station at Ellis Island, but are admitted after a relatively simple examination at the landing stage.

The selection methods, especially the mental tests, have often been criticised. In particular it is said that they are somewhat arbitrary and also that an emigrant who successfully passes them is not guaranteed against rejection upon arrival in the United States. It has also been admitted that such arrangements make no provision for a selection from an occupational point of view, and it has been proposed that preferential visas, within the various quotas, for the persons most needed in the United States should be introduced. In their reports for the year ending 30 June 1929 the Secretary of Labor and the Commissioner-General of Immigration suggested that United States undertakings requiring the professional services of a particular individual from abroad should so inform the Secretary of Labor, who after a thorough enquiry would give him a preferential immigration visa. No effect appears to have been given to this suggestion.

An immigration inspection service functioning in Europe has also been organised in *Canada*. In 1932 emigrants were examined by Canadian inspectors at Antwerp, Paris, Hamburg and Rotterdam. The Report of the Department of Immigration and Colonisation for the Fiscal Year 1931-1932 mentions that during this period 264 persons were refused admission into Canada at the port of entry as against 10,865 admitted. These figures show that selection is mainly effected before emigrants embark.

The full importance of selection operations is seen in collective recruiting organised by the authorities of the two countries concerned. The arrangements under the Franco-Polish and Franco-Czechoslovak treaties are as follows. Collective recruiting is carried on exclusively through the public employment exchanges of the two countries, but before their departure the recruited workers are either accepted or rejected by an official mission of the Government of the immigration country, by the representative of the employer concerned, or by the representative of an employers' association. In the last two cases the employers' representative must be approved by the two Governments.



The Franco-Polish Protocol of 3 February 1925 also states that the employers' representative must operate under the supervision of the official French labour mission and that French employers may ask this mission to select workers for them.

Out of these provisions has grown up a complete system of selection and engagement. This is examined below in its application to Polish emigration to France.

The French employers are represented in Poland by an agency of the General Immigration Company, which collaborates with the Polish authorities in the recruiting and selection of Polish emigrants. It has been seen above that applications for workers from French employers are forwarded through diplomatic channels to the Polish authorities (at present the Ministry of Social Assistance, which on 1 July 1932 took over the duties of the former Emigration Office, so far as the organisation of emigration before the arrival of the emigrants on foreign soil is concerned).<sup>1</sup> The Ministry distributes the applications among the different public employment exchanges, whose duty it is to bring before the French recruiting agent workers who are willing to emigrate. The agency of the General Immigration Company receives from the Polish authorities the list of employment exchanges responsible for recruiting. It gets into touch with these with a view to settling the technical details of the operation, and in particular the date of recruiting and number of workers to be presented. This last figure is fixed having regard to the average proportion of rejections in medical examinations.

The actual selection is carried out in two stages. The Polish authorities publicly announce the date of recruiting by means of posters or other forms of publicity. A preliminary selection is made by the public employment exchanges, in the presence of an agent of the General Immigration Company from among the persons presenting themselves. The examination includes identity papers, military permits, etc., occupational qualifications, and the emigrants' state of health. The representatives of the Polish authorities verify the emigrants' statements as to their personal and family circumstances, while the employers' agents and the doctors of the French mission take part in the occupational and medical selection. It is said that on an average

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<sup>1</sup> The other duties of this Office were taken over by the Ministry of Foreign Affairs.



the doctors reject 40 per cent. of the applicants in this first examination.

The workers accepted are sent to the engagement centre at Myslowice or at Wejherowo,<sup>1</sup> furnished with an introduction from the public employment exchange, their identity papers and possibly their certificates or employment books. They then undergo their second occupational and medical examinations, much stricter than the first. Those accepted are sent to the collecting centre and those rejected are given a voucher for their travelling expenses from the locality of the public employment exchange to the engagement centre and back again. The employment exchanges also give them vouchers for half-price tickets to their homes.

Mr. André Pairault<sup>2</sup> has given some interesting particulars of the procedure for the selection of Polish emigrants for France. He states that in 1924 the doctors rejected all weakly persons, cripples and persons suffering from hernia, varicose veins or infectious diseases, or whose eyesight was less than 50 per cent., etc. At the engagement centre of Myslowice the proportions of persons rejected in 1924 to the total number of persons examined were as follows: miners 9.3 per cent., industrial workers 6.4 per cent., agricultural workers 5 per cent. The occupational selection is made by specialists familiar with the technique of the various trades. The examination of the employment certificates and similar papers is supplemented by interrogation of the emigrant concerning his previous occupations, the technique of his stated occupation, etc. Very often also the specialist can form an opinion of his occupation from outward signs: state of the hands, occupational deformities, etc. The occupational examination is followed by a few general questions intended to give an idea of the subject's intelligence.

Each selection agent signs a control form for every worker accepted by him so as to provide a means of identifying agents who have engaged workers not properly qualified for the occupation in question.

A Franco-Polish agreement of 17 April 1924 states that the Polish Government reserves itself the right of appointing officials to attend the selection operations. These officials do not take any active part in the operations, but if they have any

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<sup>1</sup> This centre was closed some years ago.

<sup>2</sup> André PAIRAULT: *L'Immigration organisée et l'emploi de la main-d'œuvre étrangère en France*. Paris, 1926.



observations to make they submit them to the Ministry of Social Assistance, which takes the necessary action.

The selection operations for Polish seasonal emigration into Germany differed appreciably from those just described. From the occupational standpoint, Polish emigration into Germany was much more homogenous than that into France and in addition was restricted to a few months of the year. Consequently, occupational selection, and in fact the whole engagement procedure, could be simplified, and the more so since many of the workers went to Germany year after year. The procedure was as follows. After registration of the applications, the Polish authorities, in agreement with the German Central Office for Workers, fixed the place and time for the operations and publicly advertised them. The German Central Office sent into the recruiting districts a score of officials, many of whom had done this work for years past, and all of whom knew Polish and the emigrants' circumstances. The Polish authorities who took part in the operations were representatives of the public employment exchanges and were under the supervision of an inspector from the Emigration Office. Under an instruction of this Office the representatives of the employment exchanges themselves presented the candidates, while under the provisions of the Germano-Polish treaty of 24 November 1927 the actual selection was made by the representatives of the German Central Office.

The intending emigrants went to the administrative centre of the district, grouped by villages or communes and in charge of their mayors. Recruiting was effected on the basis of the German employers' applications, which might be numerical, nominal or partly the one and partly the other. The recruiting and selection commission consisted of a representative of the public employment exchange and a recruiting agent of the German Central Office. The mayor of the village also attended to give any information required, but did not himself take part in the selection operations. The commission proceeded along the lines laid down in the Germano-Polish treaty, that is to say, the workers were presented and selected according to their physical fitness and occupational qualifications, and with a view to the constitution of homogeneous groups.

The first stage was verification of the emigrants' statements as to their family and pecuniary circumstances. For emigrants who had been applied for by name there was a second examination as to the legitimacy of the application, the object being to



prevent the departure of persons who were not known to the employer but had been brought to his notice by other workers or by a foreman sent to Poland. As has already been stated,<sup>1</sup> the Polish Government allowed applications by name but wished to prevent an extension of this system beyond certain limits.

The occupational examination was based on the candidates' detailed statements, confirmed if necessary by the mayors. The peculiarity of the examination for physical fitness was that it was carried out, not by the doctors, but in the first place by the Polish authorities when the intending emigrants were registered, and later, during the recruiting operations, by the representatives of the German Central Office. The emigrants were subjected to a medical examination only upon their arrival in Germany, an arrangement that entailed the risk of persons being rejected after they had left their country.

Lastly, the aim was to form homogeneous groups of emigrants, either by choosing the whole group from one commune, or in other ways, weight being given to the opinion of the mayor.

The cases considered above are illustrative of highly developed organisation in the selection of workers recruited for abroad. As a rule, such systems can only be applied as a result of bilateral agreements between the States concerned; but sometimes the selection of emigrants by employers' organisations of the immigration country is based on agreement between these organisations and the authorities of the emigration country. This was the case with the concessions granted in 1925 by the Yugoslav Government to the General Immigration Company, representing French employers; and with Filipino emigration to the Hawaiian Islands. In the latter case, collective recruiting is organised by the Hawaiian Sugar Planters' Association, which maintains four receiving centres in the Philippines. In these the emigrants and the members of their families who are accompanying them are medically examined before sailing for Honolulu. Persons under 20 or over 35 years of age are not usually accepted. Persons suffering from serious physical disabilities, in particular tuberculosis or heart disease, are rejected. At the Manila receiving centre, medical examination, frequently repeated while the subject is isolated, is a means of eliminating persons unfit for plantation work. In general, the emigrants are examined

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<sup>1</sup> See p. 77, note 1.



by the American Federal Health Service, and persons suffering from temporary ailments are kept back until ready for sailing.

A special system of selection of emigrants from the British Isles to the Dominions is practised in the training camps mentioned in connection with the vocational training of emigrants. After several weeks' practical agricultural work the persons unfit for oversea working conditions are eliminated.

A similar function used to be performed in Italy by the emigrants' vocational courses organised up to 1927 by the Emigration Commissariat.

Medical examination of emigrants is sometimes organised by the emigration authorities, and in some cases is as strict as that of the immigration authorities.

In Japan emigrants are collected before departure in an emigrants' home at Kobe, where they undergo a medical examination, vaccination, disinfection, etc.

In Czechoslovakia, too, emigrants are medically examined before leaving. An emigrant is rejected if the examination shows that sailing would endanger his own life or the health of his fellow travellers. Provision has also been made for medical inspection at the frontier collecting station for the purpose of ensuring that an emigrant's physical or mental state will not be an obstacle to his admission to the country of destination. Further, emigrants must procure a medical certificate at their place of residence to the effect that they do not come from an infected district.

#### § 6. — The Conclusion of the Contract

The emigrant who has successfully gone through the recruiting procedure is practically engaged when he has passed the last medical or occupational examination and has been found fit for his future work. The signature of the contract of employment is then only a formality. It usually takes place immediately afterwards, but is sometimes deferred until the emigrant's arrival in his new country.

The contract that the worker signs before his departure generally contains the employer's name, but where it is difficult to give this in advance it is not filled in until the emigrant's arrival. This is the practice, for example, with the Polish agricultural workers, and the Polish and Czechoslovak miners, recruited for France.



The disadvantage of this system is that it leaves the worker in a foreign country which he may never have been in before without any possibility of proceeding against the employer, for the latter may, at the last moment, refuse to sign the contract corresponding to the application previously made by him. Cases of this kind have occurred and they may involve the immigrant in considerable difficulties whether he be repatriated or whether another job be found for him in the immigration country. On the other hand, it may sometimes be more advantageous for the immigrant if the contract is signed in the country of immigration than if it is signed in the country of emigration on the basis of inadequate information or insufficient guarantees of independence (in the case, for example, of skilled workers, professional workers, etc.) because he will be in a better position to discuss the conditions of employment.<sup>1</sup>

In the recruiting of Polish workers for Germany the signature of the contract or engagement proper took place immediately after the selection operations. The contracts were not individual: the whole party was engaged under a single contract drawn up in quadruplicate in Polish and German. One copy was given to the employer and another to one of the party, chosen by the Polish official attending the recruiting operations. All the other members of the party received a certificate to the effect that they were covered by the collective contract. The other two copies of the contract were for the German Central Office and the Polish Employment Office respectively. The collective contract, however, was signed by all the members of the party. The German agent had to read it to them in Polish and inform them of their destination, the date of departure, etc. The Polish authorities handed each emigrant, together with his passport, a pamphlet explaining his rights and duties in Germany.

Yugoslav emigration into Germany was organised in a similar manner, with the important difference, however, that the Yugoslav authorities could appoint the leader of the party. They informed him of the terms of the contract of employment and the duties of workers going to Germany. Each worker signing the collective contract received a certificate of engagement which served as a passport for crossing the frontier and

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<sup>1</sup> Cf. on the general advantages and disadvantages of contracts of employment in international migration, INTERNATIONAL LABOUR OFFICE: *Employment Exchanges* (Studies and Reports, Series C, No. 18), pp. 187-190.



living in Germany; but in spite of this the Yugoslav authorities gave each emigrant an ordinary passport.

Polish workers emigrating to France and accepted by the French agents at the collecting centres of Myslowice and Wejherowo<sup>1</sup> are disinfected, vaccinated, given a hair-cut and photographed for their passports. They then sign their contract, which is prepared by the General Immigration Company and countersigned by one of its agents. The contracts are made out in four copies, one of which is handed to the worker. Before signature, the representative of the Polish authorities reads out the Polish text. When the contract has been signed by the Polish worker and by the delegate of the General Immigration Society, a visa is attached by the Polish emigration inspector and by the French Labour Mission, as a proof that it is in accordance with the regulations of the two countries. One copy is then sent to the employer, another to the Polish authorities and the last to the French Labour Mission.

It has already been mentioned that the contract of miners and agricultural workers may omit the name of the future employer in France. This exception to the general rule is allowed by the Polish authorities and is provided for in the Franco-Polish Protocol of 3 February 1925 which, however, lays down that workers may not be sent to undertakings to which the French authorities have refused permission to employ foreign workers. The agent who signs the contract on behalf of the future employer, in practice the agent of the General Immigration Company, is responsible for the worker's engagement. He must inform both the French and the Polish authorities how the worker is finally dealt with.

This exceptional procedure has been put down to the desire of certain employers to submit only a rough estimate of their foreign labour requirements without mentioning a definite figure, the reason being that their requirements may change before the workers are actually recruited.

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<sup>1</sup> See above, p. 106, note 1.



## CHAPTER III

### TRANSPORT

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Nowadays the problem of organising the transport of emigrants is quite different from what it was in the nineteenth century or even at the beginning of the twentieth. Then travelling involved emigrants in the greatest hardships. They had to make long and trying voyages, herded together by the hundred in ships' holds, sleeping on the deck, wretchedly fed, and exposed to diseases that spread rapidly in such conditions. The death rate on board was appalling, and many of the survivors were completely exhausted when they landed. This state of affairs forced the immigration and emigration countries to combine in putting pressure on the shipping companies to provide a minimum standard of health and comfort on emigrant ships. Since then the conditions have completely changed, at least as regards European emigration. Strict regulation of licences for the transport of emigrants, detailed technical rules concerning emigrant ships, a general raising of shipbuilding standards, and lastly growing competition between the shipping lines accompanied by a steady decrease in the volume of oversea migration — these are all factors that have helped to revolutionise the emigrant traffic.

But while substantial progress has been made, in some cases the conditions still recall the worst abuses of former days. According to a Japanese paper,<sup>1</sup> Chinese emigrants travelling overland to Manchuria were conveyed in open coal trucks, and men, women and children alike were exposed for days at a time to the rigours of the Manchurian climate. Those travelling to Manchuria by sea were packed into junks and boats like cattle. The general conditions were reminiscent of the darkest days of the coolie traffic.

It is not proposed to analyse all the legal, technical, social and financial problems arising out of the organisation of emigrant

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<sup>1</sup> *The Japan Advertiser*, Tokyo, No. 11895, 27 August, 1928, quoted by MOSOLFF in *Die chinesische Auswanderung*, p. 462.



transport. It will suffice to note that sea transport is generally regulated much more extensively than rail transport. The regulations cover both the fitting out of ships for emigrant traffic, and the supervision and protection of the emigrants during the voyage.

### TRAVELLING EXPENSES

The question of travelling expenses is one deserving of special attention, for both the volume and direction of migration may largely depend on the way in which it is dealt with. For the emigrant the fare for himself and his family and the cost of transporting his belongings (without mentioning the incidental expenses, to which reference will be made below) generally account for the greater part of his outlay, and consequently any arrangement reducing his travelling expenses is likely to be a powerful inducement to emigrate.

The payment of fares by States desirous of encouraging emigration from their territories or immigration into them was formerly a very common form of subsidising migration. It was prevalent, for example, in Europe at the beginning of the nineteenth century. But it was not long before protests were made in the immigration countries against an influx of undesirables who were of little use for developing their territories; and in the face of their opposition the emigration countries relinquished their policy of subsidies. By the end of the century this type of subsidised emigration had totally disappeared.

However, countries experiencing a shortage of population reverted to the policy of encouraging immigration, but sought to limit their subsidies to useful immigrants, more especially settlers and agricultural workers. Brazil was particularly liberal in this respect. Both the Federal Government and the various States encouraged the immigration of European agricultural workers, either by paying their fare, or more often by refunding the fare after a certain time, or again by guaranteeing and subsidising the shipping companies handling emigrant traffic. The State of São Paulo even concluded an agreement with Poland by which the São Paulo scheme of subsidised immigration was applied to Polish emigrants.

But for various reasons Brazil dropped this policy of encouragement in 1927. In the first place, notwithstanding every precaution, there was a continuous influx of immigrants



whom the Federal Government considered undesirable; and secondly, the subsidies proved too heavy a burden for the federated States.

Another instance of State payment of emigrants' fares is furnished by the subsidies granted by the British Government under the Empire Settlement Act, 1922. A number of agreements were concluded by the British Government with the Governments of certain Dominions with a view to organising and encouraging the emigration of particular classes of British subjects. Under the agreements concluded with Canada, Australia, New Zealand and Southern Rhodesia, these emigrants — in particular adult agricultural workers, domestic servants, and juveniles for agricultural work — were given free or very cheap passages, the cost being shared equally by the two Governments concerned.

Another form of reduced fares was instituted for all British emigration into Canada. Every *bona fide* emigrant declaring his intention of settling permanently in Canada could make the journey for £10, instead of £18 15s., the difference being shared equally by the British Government and the British North Atlantic shipping companies.

Lastly, the Oversea Settlement Committee concluded agreements with several voluntary organisations and local migration committees, with a view to assisting emigrants.

These arrangements are in abeyance. An Interdepartmental Committee on Migration Policy, which was appointed to consider the whole question of migration and which issued its report in August 1934, considered that the best method of assisting migrants in the payment of their travelling expenses was the provision of a general reduced fare available for all migrants. Only in this way can the migrant be made to feel that he is an unassisted migrant proceeding independently and on his own resources. The Government would, of course, have to pay a subsidy to the shipping companies to enable them to provide such fares. Moreover, the general reduced passage rate should be withdrawn if and when conditions become adverse to successful migration. The Committee pointed out that an arrangement of this kind would stimulate migration, but at the same time it would afford no encouragement to the belief which had prejudiced many migration schemes that the migrant was not in the last resort dependent upon himself for his success or failure.



Apart from the actual fare for the migrant himself and his family there are a number of other expenses which are often added to the fare and included in a single payment, especially when the migration is organised. These expenses may include the cost of lodging and of board during the journey and even on arrival in the country of destination, and may amount in the case of a long-distance migration to a considerable sum. As these expenses have necessarily to be incurred, it would seem desirable that a fixed sum should be charged on routes over which large numbers of migrants travel, rather than that each migrant should have to make an independent arrangement.

Sometimes, however, the amounts mentioned above are still further added to by including under the heading of "expenses of introduction" the expenses of the organisation which undertakes the engagement and transport of the migrants. The amount naturally varies according to whether the organisation is a profit-making body or is one which merely charges the cost price and according to the amount of supervision to which it is subject with a view to keeping its expenses down to a strict minimum. It has often been remarked that this system constitutes an obstacle to the normal circulation of workers between the countries of emigration and of immigration, as, for example, in the case of Polish migrants proceeding to France. The fact that all or part of these expenses are frequently paid by the employers does not make the problem any less serious, because it is clear that in the majority of cases the employer will try to recover the heavy expenses of introduction which he has had to undertake to bring the migrant to the workplace, particularly by paying the workman low wages. In this connection it should not be forgotten that the earnings of the middlemen are based on the normal price of the tickets for the journey, although in fact the railways in most countries grant considerable reductions to people travelling in parties.

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It is thus apparent that State contributions to emigrants' travelling expenses have been continued through the world depression only in exceptional cases. Consequently these expenses are now mostly borne by one of the two parties directly



concerned, the employer and the emigrant himself, the State confining itself more and more to granting reduced railway fares.

If employer and worker are bound by a contract of employment, the contract usually deals with the cost of the journey, either fixing the manner of payment or leaving the parties to agree upon one of a number of stated alternatives. The various methods provided for in contracts fall into two main groups: (a) those in which one of the parties pays the cost of the entire journey from the worker's home, or the collecting or engagement centre, to the undertaking for which he is recruited; and (b) those in which the cost is divided between employer and worker. As regards the first group, several contracts<sup>1</sup> (e.g. certain standard contracts for Yugoslav workers recruited for French industries and mines, and for Rumanian workers recruited for French agriculture) have a printed clause stipulating that the travelling expenses shall be borne by the worker, but in this case it is generally provided that the employer shall advance the necessary funds. The majority, however (contracts of Polish seasonal workers recruited for Latvia, of Polish workers recruited for the Rumanian textile industry and for French industries, and of Czechoslovak, Italian and Polish workers recruited for French agriculture, etc.), require the employer to defray these expenses, and often explicitly state that they comprise not merely the actual cost of transport, but also a daily allowance for the entire duration of the journey. Lastly, some standard contracts leave the parties free to choose either of these two alternatives.

Among the contracts dividing the expenses between the two parties, some stipulate that the employer shall bear the cost of the journey from his own frontier to the place of work. This is the case with various contracts of workers recruited for German agriculture, a contract of Polish seasonal workers recruited for Denmark (as from the Polish frontier), and a contract of Belgian seasonal workers recruited for French agriculture. Other contracts, including several for French agriculture, only require the employer to bear the cost of

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<sup>1</sup> In instancing the provisions of several contracts of employment it should be pointed out that some of these contracts may now contain different provisions, and also that the migration movements in question may since have come to a complete standstill.



the journey from the distribution centre in France to the place of work, thus leaving the bulk of the travelling expenses to be borne by the worker. Here again most contracts of this type provide for advances of travelling expenses by the employer to the worker, and consequently fix the manner of repayment, namely, by deductions from wages. Conversely, certain contracts providing that the whole or part of the travelling expenses shall be borne by the employer mention the possibility of their being advanced by the worker. In this case repayment is made to the worker after he has been in the undertaking's employ for a certain time.

Among the travelling expenses to be borne by the employer, some contracts include meals during the journey, lodging, visa fees, medical examination and incidental expenses at the commencement of the journey.

It may be said that the travelling expenses are not as a rule borne directly by the migrant except in cases where custom or the regulations in force prohibit the immigration of contract labour, and in particular in emigration to the majority of oversea countries. On the other hand, certain contracts contain a clause obliging the future employer to bear the travelling expenses himself. In Sweden, on the contrary, a Notification of 5 May 1916 (Article 5), which is still in force, forbids an employer to recover, either by deducting a portion of the wages agreed to between him and the migrant or in any other way, the expenses of travelling or maintenance during the journey, and any contract which contains a clause of this kind is illegal.

Sometimes the contract provides that the migrant shall himself pay the travelling expenses in the first place but be entitled to a bonus from his employer at the end of the contract. In all other cases of recruiting of migrant workers in Europe the contracts expressly provide for an advance to cover the expenses and frequently contain clauses specifying the method by which these advances are to be repaid. The loan may be made either by the employer to the worker or by the worker to the employer. In the former case the employer frequently has the right to deduct from the wages of the workman, during a certain period, an amount corresponding either to a total sum fixed beforehand or to the exact cost of the journey plus the expenses of introduction. A certain number of contracts allow for a free choice of either of these methods (advance by



the employer or advance by the workman); and the contract nearly always provides for the payment of a certain sum by the employer to the migrant at the end of his contract, this sum being either an amount fixed beforehand or the exact expenditure incurred for the journey. In a number of cases the contracts state that this payment is intended to enable the migrant to return to his country of origin.<sup>1</sup>

In reality, there is very little substantial difference between these various systems. While they facilitate the departure of migrants to a considerable extent, they may involve considerable disadvantages for the migrants subsequently. If the employer participates in any way whatever in the payment of the travelling expenses, it is of very little practical importance who pays the expenses in the first place or who makes the advance, or even, in the absence of very strict supervision, whether restrictions are imposed on the employer's right to recover the expenses, for the workman will undoubtedly receive reduced wages during a fairly long period. When the expenses of introduction are fairly high, complaints have often been made that employers try to recover their outlay, or even to make a profit, by indirect means, particularly by paying the migrant the minimum rate of wages applicable to his class or even a rate of wages applicable to a lower-paid class. It is due to this desire of the employer to recover the travelling expenses as fully as possible that difficulties so often arise with regard to the rate of wages, especially during the first year in which the workman is employed outside his own country. On the other hand, the debt which the emigrant has thus contracted towards his employer may result not so much in making the workman more faithful to his employer as in making him very dependent on the employer, thus giving rise in certain cases to abuse and conflict.

Generally speaking, the system of advances to recruited workers by their employers is very frequently met with at various points in the organisation of migration. In many cases it may be a practical means of facilitating the employment of needy workers at distant places and also of providing certain countries with additional labour. But obviously it can very easily lead to serious abuses, and in particular to the exploitation of the workers recruited. Hence strict supervision is neces-

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<sup>1</sup> On this subject see the chapter on repatriation, pp. 153-154.



sary to see whether the advance is actually made, how it is refunded, and what obligations it entails for the worker; it is a means of protecting the employer against waste of money, and of ensuring that the debt incurred does not burden the worker with excessive obligations amounting to actual servitude. The risk of this seems still greater when the worker is indebted not directly to the employer but to the recruiter.

Sometimes, also, the employer's advances are not repaid by the worker unless he prematurely breaks his contract without good reason. This is the case, for example, with the contracts of Polish agricultural workers recruited for France. These contracts provide that to secure himself against unjustified breaking of the contract by the worker during his first few months in France, the employer may make deductions from his wages up to a fixed amount, which, however, is less than the total cost of transport. If a worker fully carries out his contract the employer must refund the deductions. A similar system is applied to workers recruited for industrial employment in France.

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In this connection, reference should also be made to the question of bringing the migrant's family to the immigration country provided that the immigrant is not a seasonal or temporary immigrant but a permanent immigrant.

In cases in which migration is not organised systematically the only means available are the savings of the migrant or of his family or the assistance of voluntary societies, but it may be noted that under the legislation or regulations of most countries, families arriving from abroad to join the breadwinner of the family have a right to special facilities or to priority with regard to admission. Reduced fares are sometimes granted by certain Governments to families proceeding abroad in these conditions, mainly for reasons of population policy, while the assistance of voluntary societies, either associations for the protection of migrants or mutual aid societies, is governed above all by moral considerations.

Economic considerations may also play a part, as, for example, in the case of an employer who desires to promote the efficiency and stability of his foreign workers. Certain standard contracts of employment used in France for the



recruiting of workers coming from the more distant European countries and therefore involving a prohibitive fare for many families obliged the employer to pay 60 per cent. of the travelling expenses. This obligation, which was regarded as a heavy additional charge by the undertakings concerned, was imposed only on industrial and mining firms, and in practice the families of immigrants were not brought to France until after the worker had been employed in the undertaking concerned for a certain time so that the employer was able to assure himself as far as possible that the immigrant was really a suitable workman and likely to remain attached to the undertaking. The restrictions which have been imposed as a result of the economic depression have made this problem of less importance for the time being, and it has therefore only been partially solved. This solution has sometimes been criticised partly because it was confined to the employer and workman directly concerned, but it is interesting as showing what can be done on these lines.

#### ACCOMPANYING OF EMIGRANTS

Another problem of emigrant transport is that of accompanying recruited workers travelling to their place of work. The workers may be accompanied for several reasons — to see that they have the best possible journey, to protect them, and to secure observance of the transport contract. The persons in charge of them may be public officials or private persons acting for charitable organisations, the employer, the transport company, or, particularly in the Far East, the recruiting agency; and they may be called “inspectors”, “conductors”, “assistants”, etc.

Emigrants are accompanied mainly on long voyages involving stays in ports of call, but often those travelling overland are also accompanied or inspected *en route*.

#### *Inspectors on Board Ship*

The different systems of inspection on emigrant ships fall into two main classes: those in which the inspectors are appointed by the Government chiefly concerned (that of the country whose flag the ship flies or that of the country whose nationals are on board), and those in which inspectors or conductors are appointed by private associations for the protection of emigrants.



In some countries the shipping companies themselves appoint the officials in charge of the emigrants on board, more particularly when the company has an interest in recruiting emigrants, but whatever the utility of such conductors, they do not seem to possess sufficient freedom of action and authority over the agents of the companies to secure the effective enforcement of official regulations for the protection of emigrants.

The duties of inspectors on board ship call for many qualifications. They must be friendly and kind to the emigrants, be independent and firm with the master and crew, and be on good terms with everybody. The emigrants' complaints, which the inspector must appreciate at their real worth and pass on to the master, are often a source of unpleasantness and even disputes. An inspector may render the emigrants a disservice quite as much by doing too little as by showing excessive zeal and exceeding his competence.

One important duty of inspectors is to draw up a report on their activities on board and on the enforcement of emigrants' protection regulations. This report, which is usually submitted to the master of the ship for observations, is forwarded to the authorities of the country which has appointed the inspector and if necessary to the other authorities concerned.

The system of official inspection of emigrants is not everywhere in force. In some countries the authorities confine themselves to inspecting emigrant ships in the port of departure, the port of arrival and perhaps ports of call. In these cases, the emigrants' protection organisations often appoint travelling inspectors selected from experienced social workers. Not infrequently they are of great help to the emigrants and sometimes they are given official recognition. If the ship carries a large number of women it is also desirable to appoint women inspectors, who are better able to gain the emigrants' confidence and help them.

There are also legal difficulties in the way of organising inspection on board ship. With a view to eliminating sources of conflict between the authorities of the country whose flag the ship flies and those of the country to which the emigrants belong, the International Labour Conference adopted at its Eighth Session a Draft Convention concerning the simplification of inspection of emigrants on board ship. Up to the present the Convention has been ratified by Albania, Australia, Austria, Belgium, Bulgaria, Colombia, Czechoslovakia, Finland, Hungary,



India, the Irish Free State, Japan, Luxemburg, the Netherlands, Nicaragua, and Uruguay.<sup>1</sup>

It contains provisions concerning the organisation of inspection of emigrants, and defines precisely the duties and authority of inspectors. In particular, an official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company; and he must concern himself solely with ensuring the enforcement of the laws, regulations, agreements or contracts directly concerning the protection and welfare of the emigrants on board, the laws applicable not necessarily being those of the country whose flag the ship flies. A ratifying State is not obliged to create an inspectorate for emigrant ships, however desirable this might be from the standpoint of the protection of emigrants.

The Convention was supplemented by a Recommendation concerning the protection of emigrant women and girls on board ship.

### *Accompanying of Emigrants travelling overland*

The regulation of overland traffic is not so highly developed. It covers the accompanying of parties of emigrants, their proper maintenance by the transport undertaking, and medical treatment where required.

Some countries have made provision for conductors appointed either by the authorities or, in the case of emigrants travelling to a port to go on board ship, by shipping companies.

Provisions concerning the accompanying of emigrants travelling overland are sometimes found in bilateral treaties of labour or recruitment. For example, the Franco-Polish Protocol of 3 February 1925 stipulates that organisations responsible for transporting workers shall appoint conductors to accompany them on the journey unless these organisations have a permanent staff at the frontier stations, and stations where there is a change of train. The Polish authorities may appoint an official to assist in the arrangements made for the transport of workers in the conditions laid down in the Protocol of 17 April 1924. This official travels at the cost of the Polish Government. A place is reserved for him on the train or boat carrying the workers if

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<sup>1</sup> France, Great Britain and Sweden have ratified conditionally.



application is made by the Emigration Office to the French Labour Mission a week in advance.

At the present time the Polish Emigration Syndicate organises parties of emigrants leaving Warsaw for France and Belgium at reduced rail fares. Before the economic depression, these parties used to leave Warsaw once a week.

In Italy a conductor (*convogliatore*) is present at the selection and departure of parties of workers applied for under collective recruiting arrangements. The conductor is a responsible agent of and is appointed by the foreign undertaking applying for the workers.

### TRANSIT

When a migrant crosses countries other than the countries of emigration and immigration, it is only very rarely that he is able to enjoy a special protection in his capacity as a worker. As a rule, he is only able to benefit from the activity of voluntary organisations or from special arrangements made in virtue of his contract of engagement or of transport. From the point of view of the country through which he is passing he is merely a passenger who is travelling in transit and who must not remain in the country more than a short time.

The fact that the migrant remains such a short time in the country of transit and the fact that his journey has no effect on the employment market of the country of transit might convey the impression that this part of the journey is of very little practical importance. This is not always true, however, particularly from the point of view of the worker himself, as is proved by the difficulties which have arisen at various times in connection with transmigrants. In many cases the material arrangements made have not been sufficient to guarantee a minimum of welfare to the transmigrant in the stations, ports, etc., or on board trains and steamers. Moreover, the Governments of a number of countries enacted precautionary measures immediately after the war relating to health, public order, competition in sea-going or railway traffic, or simply to taxation which, as a result of the additional taxes, examinations and papers that were required, caused certain difficulties in the international movement of workers.

As these restrictions coincided with important movements of European workers to America, the Governments of several



maritime States, such as Belgium, France, Great Britain and the Netherlands, agreed to simplify the formalities required of migrants in transit across their territories and they were the first to institute a system of transit cards which enabled such formalities and their cost to be reduced to a minimum. In May 1926 the Second General Passport Conference, convened by the League of Nations, expressed the desire that all possible facilities should be granted to emigrants in transit on their way from Europe to oversea countries. As a result of this resolution an International Agreement was concluded at Geneva on 14 June 1929 under the auspices of the League of Nations which provided for a transit card for transmigrants for the purpose of simplifying the transit formalities among the contracting States. This Agreement has since been signed by the majority of European States. In virtue of this Agreement uniform transit cards issued by the Governments are handed free of charge by the shipping companies to transmigrants who have in their possession a ticket for the complete journey from the point of departure to the immigration country, provided they fulfil the conditions of admission required by the immigration country and have the means to provide for their subsistence during the journey.<sup>1</sup> The shipping company which has delivered a transit card is responsible for any expenditure incurred by one of the contracting Governments as a result of an emigrant remaining on the territory of that Government without authorisation. Provided the emigrant does not fail to comply with the public security, police and health regulations, all the contracting Governments undertake to permit emigrants who have passports and transit cards to cross their territory in transit without requiring a consular visa on the passport or the card and without any special charges being made.<sup>2</sup>

#### PROTECTION AGAINST TRAVELLING RISKS

The risks to which the emigrant worker is exposed during the journey are manifold — accidents, illnesses, unforeseen breaks in the journey and so on.

<sup>1</sup> The transit card may also be delivered to an emigrant to facilitate his return to his country of origin or the place from which he started, if he is obliged to give up his journey or is rejected on arrival in the country of immigration.

<sup>2</sup> The following Governments have signed the Agreement: Austria, Belgium, Germany, Great Britain, Finland, France, Greece, Italy, the Netherlands, Poland, Rumania, the Saar Territory, and Spain. The Free City of Danzig, Hungary, and Switzerland signed *ad referendum*.



These risks, although they rarely materialise, are serious for travellers of all kinds, and doubly so for migrants and their families. Working-class families have little enough means in ordinary circumstances and are in a particularly precarious position when they or their breadwinners are migrating. A report of the Permanent Conference for the Protection of Migrants states that: "The migrant has often severed all connections before leaving, sold all his goods, and even borrowed money to pay for his journey; or perhaps he has left his family just enough to make two ends meet until they are reunited. Moreover, even if he could take out a life insurance or a traveller's insurance policy, he usually does not, because as a rule he is more lacking than anyone else in experience and foresight. Migrant families have been reduced to the most acute distress when they have lost one of their breadwinners before settling down in their new home." Further, migrants and their relatives, unlike wealthier travellers, have not the time and money necessary to enforce their right to compensation in case of accident, and especially an accident during the voyage. Another considerable risk to which the migrant worker is exposed is that of losing his luggage, which often contains the bulk of his belongings. This risk is sometimes covered by insurance companies,<sup>1</sup> but the policies do not always seem to meet the case of the migrant, who usually has very small resources at his disposal, and regulation of their terms or of premium rates has often seemed desirable in his interest.

The risks outlined above have come to the notice of Governments, many of which have established compulsory insurance to cover them. Such insurance may take one of two forms: either the authorities organise a complete insurance scheme with fixed contributions and compensation,<sup>2</sup> or they require the emigration agent to take out a special policy or to cover the risks up to an amount fixed by law or in the licence.

Up to the present, nine European States have introduced compulsory insurance for emigrants, chiefly against the risks

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<sup>1</sup> M. G. LE FÈVRE in his book *Homme-Travail* cites the case of a Polish emigrant going to France who had to pay 140 French francs for the insurance of a trunk.

<sup>2</sup> A general system of this kind was in force for many years in Spain. As reorganised under the Emigration Act of 21 December 1924 and the Decrees of 21 November 1925 and 17 February 1928 this system comprised fixed premium and compensation rates and covered the risks of death or invalidity due to accidents at sea, or illness contracted during the voyage.



of sea voyages. These countries are: Czechoslovakia, Denmark, Germany, Hungary, Lithuania, Poland, Rumania, Switzerland and Yugoslavia. Also a number of countries have provided for compulsory insurance covering emigrants' luggage only.

In Czechoslovakia the undertaking transporting the emigrants is bound to insure the head of the family or his representative against accidents, at premium rates approved by the Minister of Social Welfare, and if possible with a Czechoslovak insurance company. The cost of insurance is borne by the emigrant and must be mentioned in the contract. The transport undertaking must insure the emigrant's luggage as far as his destination against loss or damage, and the emigrant must repay the premium in accordance with a scale approved by the Ministry of Social Welfare.

In Denmark the Emigration Act (Article 20) requires every emigration agent who is authorised to transport emigrants directly from a Danish port to some other part of the world to insure the ship used for the purpose for an amount which must in no case be less than the total sum paid by all the emigrants. The amount of the insurance must cover all expenditure necessitated by shipwreck, damage or any other accident, by the maintenance of the immigrants and by their transport to their destination. As a result of a later decision by the Minister of Social Affairs the insurance may be replaced by a written guarantee given by the agent concerned on behalf of the shipping company by which the agent or the company undertake to meet the expenditure referred to.

In Lithuania the transport contract must mention the amount of the insurance premium. The policy must be taken out by the company on behalf of the emigrant, who must refund the cost.

In Poland the transport undertaking is bound to insure every emigrant with a Polish insurance company in the conditions laid down in the licence. The emigrant is insured against the risks of accident and his luggage against loss or damage throughout the journey. The accident insurance is for 2,000 zlotys; it does not diminish the liability of the transport undertaking for damages arising out of an accident if such liability exists in law. The luggage must be insured for at least 500 zlotys. If the emigrant's loss, by reason of the loss or damaging of his luggage, exceeds this sum, the transport undertaking is bound to pay him additional compensation. This insurance, however,



does not apply to emigrants travelling by rail to a European country.

In the international sphere enquiries have been carried out in various quarters into the possibilities of a general system of insurance, but they have been concerned with ships' passengers in general and not migrants in particular. Moreover, the schemes proposed were based on commercial law and paid no regard to the obligations of employers or recruiters or to the social protection of the workers. But the examples quoted above show that steps have been taken recently by several countries, either by statute or by contract, for the insurance of migrant workers.

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## CHAPTER IV

### THE PROCEDURE IN THE COUNTRY OF IMMIGRATION

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When they arrive in the country of destination immigrants in general and foreign workers in particular must first be identified by the authorities, undergo various examinations and verification of documents, if possible be provided with employment if they have none, and finally be sent off to their final destination.

It will be clear from the account of the procedure governing applications for foreign workers, and recruitment and selection in the country of origin, that the formalities that workers must fulfil on their arrival in the country of immigration will vary very appreciably according as they are free agents when they arrive or are bound by contract to an employer or have a promise of work from him. Generally speaking, in the case of workers recruited in a foreign country the operations in the country of destination are considerably simplified. But in most oversea countries the operations are almost the same for workers as for ordinary travellers. The legislation of some of these countries prohibits immigration under contract, and the authorities look for contract workers among the immigrants with a view to sending back any who may be found.

#### RECEPTION

As soon as he enters the new country the immigrant worker has to undergo a number of examinations for the purpose of identification, and, if he is accepted, for ensuring as far as possible that he will not be exposed to any special risks. To this end new arrivals are required to enter the country only at certain places, where the necessary arrangements are made for their examination and reception. This, however, is the only common feature of the procedure in the various countries, for the special circumstances of each compel them to adopt special procedures.

We may merely note a growing tendency on the part of immigration countries to transfer to the emigration countries



the examination of migrant workers for the purpose of ascertaining whether they satisfy the conditions of admission and can be considered as desirable immigrants. The consuls of several South American immigration countries have instructions to require future immigrants to furnish various certificates relating not only to their nationality and civil status but also to their character and health. These certificates must sometimes be accompanied by contracts of employment or declarations of employers.

The selection procedure followed by United States consuls is very thorough; the future immigrants have to furnish various documents and replies to a detailed questionnaire and also undergo very strict medical examination, so that in the end the authorities may be said to possess complete personal files concerning the immigrants. The very strict nature of these examinations, including the intelligence tests which form part of them, has been recognised by experts and criticised by them in the emigration countries, mainly on the grounds that the scientific value of the results is doubtful and that it is hardly possible, as a rule, to base objective conclusions on them. Through their offices in Great Britain various Dominions arrange for the examination of British assisted emigrants before they embark. In 1927 the Canadian Government made arrangements for examining future immigrants medically and otherwise in a number of European ports or capitals. The French Government on 15 February 1927 gave instructions to its diplomatic and consular agents abroad to require every emigrant proceeding to France for employment to furnish a medical certificate made out by a doctor approved and selected by the consul, and bearing a French consular visa. A Belgian Royal Order of 10 March 1931 requires every immigrant worker to obtain from a Belgian consular agent in his country of residence, and before entering Belgium, a permit to work in that country. This permit is issued upon presentation of a medical certificate, a certificate of character and a contract of employment made out by an employer established in Belgium and countersigned by the competent Ministry. In Sweden a foreigner is not allowed to accept employment unless he is in possession, before entering the country, of a permit.

In addition to these examinations before departure, or in connection with them, steps are sometimes taken to notify departures or impending arrivals of migrant workers as promptly



as possible to the competent authorities in the immigration country. This is the general rule with organised migration. For instance, the technical recruitment and selection services of the French General Immigration Company in Poland inform their correspondents at the immigration centre at Toul (France) by telegram of departure of parties of emigrants, giving the total number and the number in each occupation. The laws of certain oversea countries where immigration is not organised also contain provisions of a similar nature: usually travellers considered as immigrants may only land at the places and times fixed by the port authorities, and every precaution has to be taken to prevent persons from landing illegally, or to hand them over to the authorities. In Brazil, to avoid any delay in inspecting immigrants, the shipping companies are bound to notify the federal authorities at least two days before any of their ships carrying immigrants are due to arrive at the first Brazilian port of call.

As a rule the examinations to which immigrant workers are subjected on their arrival in oversea ports are not very different from those for foreign travellers in general. As these examinations are of very general scope (police record, morality, race, age, etc.) and have already been the subject of detailed analysis,<sup>1</sup> we shall not revert to them in the present report. With regard to examinations imposed upon workers travelling from one country to another in the same continent, their aim is usually to verify that the workers in question have properly complied with the procedures or formalities reviewed in Chapter II of this Part (sections 3 to 5). It should, however, be remarked that frontier authorities which in times of normal trade do not often turn back foreign workers for the sole reason that they have not previously obtained all the necessary documents and visas, including a duly visaed contract of employment, rigorously reject all those arriving without papers in times of depression. We shall return to this point in the next section.

The regulations in the immigration country may be confined to laying down that immigrants shall be required to cross the frontier at certain points on pain of being considered as having entered the country illegally. Often, however, these regulations are not based only on the need of control and supervision, but

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<sup>1</sup> INTERNATIONAL LABOUR OFFICE: *Migration Laws and Treaties*, Vol. II, "Immigration Laws and Regulations", Chapters III, VIII, etc.



seek to make the best possible arrangements for receiving workers from abroad. Particularly important measures of this kind have been taken in some of the principal oversea immigration countries. In Argentina a large hostel has been installed for immigrants at Buenos Aires, and here they may be boarded and lodged at the cost of the State for five days, or in case of illness until their recovery. In Brazil the federal authorities in the port of Rio de Janeiro and the São Paulo authorities in the port of Santos have fitted out large buildings where free board and lodging is given for from three to eight days, as well as medical treatment in case of illness. Immigrants arriving in the United States and Canada are also accommodated in special buildings for the purpose in case of need. In Canada special hostels known as Canadian Women's Hostels, as well as premises maintained by the voluntary societies, are open to immigrants for the first few days after their arrival, some being for one sex or for one occupation only.

Generally speaking, the ports or stations of entry for immigrants have the advantage of allowing the public authorities and the voluntary societies to co-operate in assisting the new arrivals. This is the case with the immigration stations at New York and Buenos Aires, where the offices of a large number of societies for the protection and assistance of migrants are found side by side with the official immigration services, and the social workers looking after immigrants of the most diverse nationalities, denominations and classes take them over as soon as the official inspectors have completed the examinations. Sometimes the receiving centres for immigrants form a network extending far into the country. In Canada, for example, besides the hostels established by several private associations in a large number of towns for foreign domestic servants and other immigrant women, there are the homes that every society authorised to engage in juvenile immigration into the Dominion must fit out to receive young immigrants on their arrival, and if necessary, accommodate them subsequently. In the ports of arrival a certain number of official or private women inspectors receive women and children immigrating into Canada and forward them to their destination. In Australia a private association, the Child Emigration Society, which is subsidised by the Governments of Western Australia and the Commonwealth, runs a receiving centre for boys and girls at Pinjarra. This centre is at the same time a farm school where the immi-



grants learn agriculture or domestic economy. Other centres where young immigrants are both received and trained for agriculture have been founded with Government assistance in Canada and South Africa.

In Europe the essential purpose of the chief immigration services along the frontiers is not so much reception as control, and if necessary, placing, of immigrant workers. In some cases immigrant workers undergo a medical examination, but it is generally of a superficial character, because the workers will already have been examined before leaving their own country, and rejection after arrival in the country of destination is a serious matter for immigrants, especially if they have travelled far.

As has already been seen,<sup>1</sup> however, the immigrant may be rejected even on arrival at the place where he expects to work. In such cases, which do not often occur, the migrant, who may have sacrificed everything in order to migrate and may have severed all connection with his country of origin, may fall into distress and, moreover, the employer may also be severely inconvenienced by discovering at the last moment that the workman on whom he counted is unsuitable for the work. In countries where immigrants arrive by sea this problem is not as a rule an acute one either because the introduction of contract labour is forbidden or because the master of the ship is obliged on behalf of the shipping company to repatriate, at his expense, any immigrant rejected and he may even be liable to a fine. In the case of immigrants proceeding by land with a contract of engagement the situation is not always so clear, although it would seem that the organisation responsible for recruiting the migrant undertakes a responsibility towards the workman and also towards the employer. In this connection, cases have, however, been noted in which migrants have been rejected and the foreign organisation which recruited the workers concerned in Poland has refused to accept responsibility.

It is evident that important receiving centres such as Ellis Island in New York Harbour and Toul in Eastern France, for example, may play a very important part in the reception of immigrants, but in so doing the difficulties of their task increase, especially when foreign workers and their families arrive in considerable numbers. This shows the importance of a method-

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<sup>1</sup> Cf. pp. 101-102. See also pp. 145-146.



ical supervision and frequent inspections, in order to ensure the technical working of the centre and good conditions for the immigrants who receive board and lodging there.

### PLACING

In the case of organised immigration, and especially collective recruiting under a labour treaty, the district in which the recruited workers are to be employed is sometimes fixed before their departure, as has been seen in Chapter II of this Part. The place of employment is naturally settled in advance when the worker is recruited directly by his future employer, but it may also be settled by annual bilateral agreements fixing the quotas of immigrant workers.

Towards the end of January of each year, when definitely fixing the annual quota of seasonal immigrants for Germany, the German and Polish authorities used to specify the districts in which the workers would be employed in Germany. This joint determination of the districts of employment was one of the original features of the Germano-Polish recruiting and placing system. Without infringing the sovereign rights of the immigration country in its own territory, this system allowed the emigration country a voice in the distribution of the workers, an arrangement justified by the varying living and working conditions of different districts. There have been cases in which the Polish authorities have gone so far as to prohibit any recruiting of the annual contingent for a specific German district until the grounds for the prohibition had been removed.

Among the bilateral migration agreements concluded by France, the Franco-Italian Treaty would seem most nearly to approach the system analysed above. Under Article 5 of this Treaty representatives of the two countries, who must meet together at least once a year, are required "to indicate the areas to which immigrant workers should preferably be directed and those to which they should not be directed on account of the number of workers available. In this connection, each State reserves to itself the right to take the advice of the organisations of employers or workers concerned in its own territory." It will be seen from this provision, however, that the decisive factor in the distribution of Italian immigrants over the various districts of France seems to have been the abundance or scarcity



of the local labour supply rather than the future living conditions of the immigrants. The other bilateral agreements concluded by France with European emigration countries contain a differently worded clause under which, while the Government of the country in which the recruiting is carried out reserves the right of specifying the districts in which recruiting will be authorised, the Government of the country in which the employers are established reserves the right of specifying the districts to which the workers may be sent; and the joint conference set up to fix the quotas periodically is merely empowered to agree upon the numbers and classes of workers who may be recruited collectively without causing any prejudice to the economic development of the one country or to the workers of the other. It should be noted, however, that this wording, although less explicit than that of the Franco-Italian Treaty, does not entirely preclude the emigration country from claiming a voice in the distribution of its workers among the various districts or industries of the immigration country. As will be seen in Chapter III of Part III there have been cases in which the emigration country has either definitely suspended or subjected to certain conditions the recruitment of its nationals for certain districts or occupations in the country of immigration.

Consideration must now be given to the distribution and placing operations carried out after the migrant worker has crossed the frontier of the immigration country.

For Polish seasonal immigrants recruited for Germany the German Central Office for Workers maintained eight frontier stations, which were the only legal points of entry for these immigrants. These stations, however, did not have to concern themselves with placing proper, their function being to verify the immigrants' identity and the validity of the contract of employment given them when they were recruited in the country of emigration. The staffs of these stations were highly experienced and acquainted with Polish, and everything possible was done to pass the workers through the stations as quickly as possible. Having regard to the homogeneous character of the masses of foreign workers recruited in groups to meet the essential and clearly defined requirements of German agriculture, this procedure greatly simplified matters.

In countries where immigration is not so uniformly organised the functions of the distribution centres for foreign workers are



more varied, and the general employment authorities may co-operate with the special authorities for foreign labour in placing the foreign workers.

France offers a fairly typical example of a complex system of this kind: centres under the authority of the Ministries of Labour and Agriculture and under the auspices of various other authorities have been opened at various points on the French frontiers with Belgium, Germany, Switzerland, Italy and Spain. The two most important seem to be those at Toul (for Central and Eastern European immigrants) and Marseilles for immigrants from Southern Europe. The placing activities of these centres fall into various classes according to the circumstances of the moment and the principal distributing authority. For instance, the first bilateral labour treaties concluded by France after the war provided that workers emigrating individually or spontaneously (i.e. without a contract of employment) should be received on their arrival in the country of destination by the authorities of that country and allowed to go to any part of it. In the Franco-Polish Convention of 1919 it is also laid down that "if an immigrant worker on his arrival at the frontier fails to produce a contract of employment, or if the contract contains any stipulations contrary to this Convention, he shall be sent off to any destination which he may choose, provided that he has the means to pay for the journey. Failing this, he shall be received into one of the free lodging houses, or directed to a free employment exchange near the frontier. The persons in charge of the said lodging house or employment exchange shall find him employment under conditions which conform to the principles of this Convention, and as far as possible in a place where his employment will not interfere with that of nationals of the country." It would appear that this arrangement has only been of benefit to workers from the contiguous countries. It has been said that the clause in the Convention of 1919 has not been applied and that Polish workers desiring to emigrate even individually to France were refused a visa at the French consulates in Poland until they were able to produce a valid contract of engagement. In any case, the practice of the frontier stations, which had given facilities for the admission of individual and spontaneous immigrants, was changed subsequently as a result of growing unemployment, and on many occasions workers arriving without contracts to seek work in France have been sent back.



The distribution among employers of immigrant workers examined at the frontier is sometimes effected by the employers' recruiting organisations (in the case of workers recruited by the recruiting services of these organisations in the emigration country), sometimes by the French Administration (workers selected abroad), and sometimes by the authorities under whose supervision or direction the frontier station is placed (individual immigrants). The distribution operations derive particular importance from the fact that during the last few years a considerable proportion of the applications for labour have been left blank by the employers, it being left to the recruiting authorities to select the workers to be allotted to them. For instance, at the Toul centre the General Immigration Company compiled card indexes of applications arranged by occupations, and when the immigrants arrived there, distributed them among the undertakings applying for labour. A telegram was sent by the company to inform the employer that the workers had arrived and that he could either await the workers' arrival or send someone to fetch them. A similar procedure was followed at the Modane distribution centre, where the Immigration Association of the mines and iron works of Eastern France effected the distribution of the Italian workers whom it brought into France by sending them to a dispersal point in the East where the employers' representatives awaited them.

As a general rule, to allow the authorities to regulate individual immigration and so protect the employment market, the frontier stations are kept informed of the demand for labour by means of data supplied to them by the central employment departments in Paris and the district employment exchanges in the provinces.

In addition to these frontier stations there are special district offices in seven localities in the interior of the country. These are called "foreign labour control stations" and their functions are to find employment for the foreign workers already in France, ensure that immigrants do not unlawfully change their occupation, see that the clauses of standard contracts are carried out and that the Act of 11 August 1926 concerning the protection of the national labour market is properly applied, settle disputes between employers and workers amicably, etc.

Even in countries where organised immigration under contract is not the rule the authorities frequently organise



special employment exchanges for new arrivals. In Argentina, for example, a "labour office" is attached to the immigrants' hostel at Buenos Aires for the purpose of advising and helping immigrants to find employment on their arrival, if possible in their own trade. Similar services are attached to the immigrants' hostels at Rio de Janeiro and Santos (Brazil) and Montevideo (Uruguay).

For immigrants more often than for other workers placing is accompanied by other measures such as the provision of transport facilities to the place of work. It has already been explained in Chapter III of this Part of the report how the question of the immigrant's travelling expenses from his point of departure to the country of destination has been settled in various circumstances. However, the arrangements on this point may not extend to the more or less considerable proportion of these expenses accounted for by transport in the immigration country itself. In Germany the travelling expenses of Polish seasonal immigrants were borne by the German employer and the amount required from the frontier to the place of work advanced, on his behalf, by the German Central Office. In France travelling expenses are defrayed in different ways; but in many cases the cost of the journey from the distribution centre in France to the place of work is borne by the employer. Further, the transport companies of most immigration countries grant reduced rates for the last part of the journey to immigrants arriving in groups or even singly. The legislation of most South American immigration countries allows an immigrant to travel at the cost of the State from the port of arrival to the place in which he wishes to reside. One reason for this privilege is that it militates against overcrowding of the big towns, and facilitates the settlement of new arrivals in the inland rural districts. Such measures, however, have sometimes been suspended in periods of depression for reasons of economy.

The methods of forwarding new arrivals to their final destination vary considerably: in Germany, when parties of seasonal workers recruited abroad crossed the frontier they were accompanied by an employee of the German Central Office to a dispersal point conveniently situated in the district in which the workers were to be employed. Here the party was received by a representative of the local branch of the Central Office, and divided up into smaller parties each of which was sent off to its destination under a leader who was in charge



of the travelling arrangements. In France, in the case of fairly large parties of immigrants, employers often have them accompanied, from the country of origin or from the distribution centre in France, by conductors in their own employ; but it often happens, more especially in the case of individual immigrants, that they have to travel to their destination singly and at their own cost. All that they are given on their departure is their employer's address and brief directions for the journey.

Generally speaking, in the case of immigrant women or immigrants with a long journey before them, special steps are taken to see that the travelling conditions are satisfactory. Under an agreement concluded in 1933 by the Polish Consulate at Riga with the Federation of Latvian Agricultural Organisations, Polish women recruited for Latvian agriculture are accompanied from the frontier by Latvian agents who help them during the journey. The Polish authorities are also entitled to appoint persons to accompany the parties, if necessary as far as the place of work. These parties are sent to special receiving centres, and from there to the place of work. The women must be fed for the entire duration of the journey and if necessary given medical treatment. In Canada official women inspectors accompany immigrant women on the trains carrying them to their final destination, give them medical treatment in case of need and protect them against abuses. When immigration was at its height fourteen of these inspectors were employed, together with a number of assistants. Under the regulations governing juvenile immigration into the Dominion the representative of any association introducing a juvenile immigrant into Canada is invested with the powers and responsibilities of a guardian as soon as the immigrant lands. Advantage is taken of the immigrant's stay in the association's "home" after landing and while waiting to be sent to a family that will keep and employ him, to note his behaviour with a view to gathering information that will be useful for the purpose of finding him a situation and keeping a watch over him subsequently.

#### CHANGES OF EMPLOYMENT OR OCCUPATION

Stability, which is one of the chief desiderata of labour in general, is of particular importance for immigrant labour. It is only natural that the employer, who sometimes incurs



heavy expense when he brings in workers from abroad, is anxious to know whether these workers will remain with him for a considerable time and so compensate him both for his outlay and for the trouble he has taken to train them and settle them in their new surroundings. Nor is it any less natural that the migrant worker should also seek to secure himself against two opposite dangers: short-term employment followed by unemployment in a foreign country; and *de jure* or *de facto* dependence on his employer such that he cannot, at least for a long time, change his employment or even improve his living conditions.

A striking example of systems binding employer and worker to each other for a long period is furnished by the indentures or long-term contracts formerly imposed on native workers recruited in one colony for employment in another. Contracts of this type, although often containing very comprehensive clauses concerning repatriation, laid upon the worker strict obligations, enforceable, more especially in earlier days, by explicit penalties. But servitude no less onerous may weigh upon the worker engaged by a foreign employer or recruiter as a result of debts or repayable advances of all kinds. It may be that the employer or the recruiter has some interest in continually increasing the amount of the worker's debt, either through the operation of compound interest or by fresh advances made directly or through intermediaries, so that in the end he cannot extricate himself and regain his freedom. The greatest freedom obtains in countries that do not recognise the validity of contracts of employment of foreign workers concluded outside their own territory, or countries like the United States and certain British Dominions which prohibit all immigration of workers under contract. In times of prosperity and shortage of labour, such freedom may be a very appreciable advantage for the immigrant; but in times of depression and unemployment it too often has the disadvantage of more or less permanently menacing him with unemployment, and of paralysing his efforts to secure fulfilment of the promises made to him at the time of his engagement.

In Europe, since the world war, the requirements of agriculture or of industry in general in countries where large-scale reconstruction had to be undertaken with a serious shortage of population and labour have led to very close attention being paid to the risk of instability of foreign labour, but



scarcely any to the risk for the immigrant of a large measure of freedom implying the absence of guarantees for his rights. In Germany the authorities and the Central Office for Workers have long striven to reduce the excessive mobility of foreign seasonal agricultural labour. For instance, during the first four months of the year, the frontier stations and the local branches of the Office were empowered to deliver legitimation cards for these workers on their own authority, subject only to the visa of the competent police authorities; while for the rest of the year approval of the headquarter authorities of the Office at Berlin was required. By means of a complete card index these authorities examined each case to see if the person concerned might not have been guilty of breaking his contract.<sup>1</sup> The reason for this difference of procedure was that at the beginning of the year, when the immigrants arrived, the breaking of contracts was rare, but later on it was not.

In France the mobility of foreign labour, which is generally considered excessive, has never ceased to give rise to anxiety since the war, not only because of the prejudice that it might cause to employers of this labour, but also because of its influence in increasing the cost of production in certain branches of production, particularly agriculture, aggravating the movement from the country to the towns, and overcrowding urban centres and occupations. But apart from a number of industrial employers, more particularly in the devastated regions in the north of France, complaints respecting breaches of contracts have mostly come from farmers, for whom the travelling expenses of workers recruited abroad and their adaptation to their new surroundings and work constitute a very heavy burden. According to a report submitted to the National Labour Council in December 1926, following upon an enquiry into a certain number of cases of abandonment of work by Polish and Czechoslovak labourers employed in French agriculture, premature terminations of contract sometimes amounted to as much as 18 per cent. of the total number of contracts.

The causes of breach of contract among the cases investigated may be divided up as follows according to the reasons given by the parties.

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<sup>1</sup> G. S. RABINOVITCH: "The Seasonal Emigration of Polish Agricultural Workers to Germany", in *International Labour Review*, March 1932.



	Per cent.
Disputes concerning wage rates . . . . .	25
Irregular or belated payment of wages . . . . .	3.5
Disputes due to working conditions (Sunday work, excessive working day, etc.) . . . . .	18
Housing conditions . . . . .	11
Recruitment of unskilled workers . . . . .	7
Worker's illness . . . . .	3.25
Food . . . . .	1
Retention of identity papers . . . . .	0.50
Acceptance of another employment during journey . .	1
Total . . . . .	70.25

The remainder, about 30 per cent., were due to the worker alone, but no plausible reason could be given.<sup>1</sup>

To counteract this instability as evidenced by numerous cases of abandonment of work by immigrant workers, a number of measures were employed either successively or simultaneously. They were of varying kinds and of very unequal worth.

In the first place, for some time a practice prevailed among employers of keeping the identity papers (passport, identity card, etc.) of the immigrants in their employ, but this practice was considered to be so dangerous for the worker and gave rise to so many protests that it was soon prohibited. Other methods of a less objectionable character were also followed: identity cards of different forms or colours were given to workers engaged for industrial or agricultural undertakings respectively so as to avoid confusion, and above all to facilitate supervision. Insurance policies were issued by various organisations, and by means of these an employer bringing in a foreign worker could recover the outstanding balance of the expenditure incurred in connection with this worker if he broke the contract. The premium averaged 10 per cent. of the total expenditure incurred in introducing the worker. Lastly, as in other countries where there is heavy agricultural immigration,<sup>2</sup> legislative or other steps have been taken to improve the living conditions and especially the accommodation of agricultural workers, these conditions, as the above table shows, being invoked by a considerable number of foreign workers as a reason for breaking the contract.

But the chief weapon against a change of employment by foreign workers seems to be the Act of 11 August 1926 "to

<sup>1</sup> *Les Questions agricoles au Conseil National de la Main-d'Oeuvre.* (Session de 1926-1927.) Service de la Main-d'Oeuvre et de l'Immigration agricoles. Paris, 1928.

<sup>2</sup> See Part III, Chapter II, the section on "Accommodation".



amend sections 64, 98 and 172 of Book II of the Code of Labour and Social Welfare for the purpose of protecting the national labour market". The aim of this Act was to make it more difficult for foreign workers to change their employment or occupation. It prohibits the employment of an alien not provided with an alien's identity card issued in conformity with the regulations in force and marked "worker"; and also the engagement, by an employer directly or through an intermediary, of an alien worker brought into France, until the contract of employment in virtue of which he was brought into the country has expired. The principal aim of these provisions was to put an end to the ruthless competition of certain employers who did not scruple to entice into their employment by all sorts of promises workers who not only had not completed their contract but as a rule had not repaid their employer all the expenses incurred by him to bring them into France. The Act of 11 August 1926 contains another provision against change of employment, but this is mainly concerned with protecting French agriculture and counteracting the rural exodus: it lays down that an alien worker to whom an identity card has been issued for employment in a particular occupation shall not be employed in another occupation except under certain conditions.

It must be admitted, however, that the apparent strictness of this Act is mitigated by a series of safeguards for the immigrant worker:

- (1) The prohibitions and penalties apply to the employers;
- (2) In conformity with earlier French legislation the duration of the contract binding the immigrant to the employer who introduces him into France may not exceed a year;
- (3) A foreign worker may change his employment and even his occupation if he has a certificate from his previous employer to the effect that the contract between them was cancelled by mutual agreement or by a decision of the Courts; or if he has a card issued by a public employment exchange, after consultation with the previous employer, whose rights as against the worker and the new employer are reserved. The aim of this last provision is to prevent an immigrant with



an unexpired contract from changing his employment even if he has good reason to complain of being treated unjustly by his employer.

It must, however, be observed that while in times of normal trade activity a change of occupation is a relatively easy matter, in times of depression it runs counter to the desire of the competent authorities to protect the employment market, especially in the industries which are most affected by the crisis. For instance, a circular of the Minister of Labour dated 4 April 1933 states that in present circumstances transfers of immigrants from agriculture to industry must be quite the exception. No recommendation that might be given by other departments could prevent the Minister of Labour from considering any application to employ foreign agricultural workers outside agriculture as a new application for immigrant labour and treating it as such.

The Act of 11 August 1926 has also given rise to important decisions in the Courts, and wide publicity has been given to many of them, in particular a decision of the Court of Appeal dated 23 June 1933. As a result of these rulings, it appears that an employer, aggrieved by the desertion of foreign workers introduced by him under a contract that has not expired or has not been legally terminated, can claim damages from the second employer for these prejudices (sudden stoppage of the undertaking, loss of a harvest, difficulty of replacing the immigrant, etc.) plus such balance of the expenses incurred by him in introducing the immigrant as has not been recovered by deductions from wages within the limits laid down in French law.



## CHAPTER V

### REPATRIATION

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During the periods of depression the number of workers leaving emigration countries falls steadily and the number of those returning to their country of origin increases. The present world depression provides an extremely striking example of this well-known phenomenon. In France an official estimate<sup>1</sup> places the total number of foreign immigrants who left the country between the beginning of 1931 and the middle of 1932 at 450,000. In Mexico during the first two years of the depression some 300,000 workers returned from the United States. From 1930 onwards most of the important oversea immigration countries have suddenly changed into emigration countries, while the emigration countries in Europe and Asia have become immigration countries as a result of the influx of returning immigrants.<sup>2</sup>

As a matter of fact the problem of returning migrants during a period of crisis is so big and so important that it may be considered as a separate question rather outside the usual scope of recruiting and placing problems; it is therefore referred to only briefly in this report so that it may not be completely left out of account.

The return of the emigrant to his country of origin may be entirely voluntary or more or less compulsory, and the terms used to describe the phenomenon (repatriation, rejection, expulsion, deportation, etc.) vary according to the countries and the circumstances. It would clearly be impossible in this report to give a detailed analysis of all these forms. It must suffice to refer to the more important ones, following the various stages of emigration in chronological order. Special stress will be laid on points which affect the migrants particularly in their capacity as workers.

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<sup>1</sup> Report by Senator Joseph COURTIER on the National Labour Protection Bill in Senate, *Documents parlementaires, Annexe No. 626, Journal officiel*, 16 October 1932.

<sup>2</sup> Cf. on this point Part I of the present report.



### ON LEAVING A COUNTRY OR EMBARKING

It is not uncommon for a migrant to be rejected when leaving his country of residence or embarking for an overseas country, for he may be obliged at such a time to undergo an examination carried out either by the authorities of his own country or more frequently by the shipping company or official inspectors belonging to the country of destination.<sup>1</sup>

As a rule, if the emigrant has not been guilty of any offence, the sums which he has paid in advance for his transport and the transport of his family must be refunded, perhaps with a slight deduction. Measures of the kind are in force in Spain and Denmark,<sup>2</sup> and a Belgian Order of 25 February 1924 provides that passage money will be refunded only when the emigration agent has been guilty of an offence or of negligence.

### ON ARRIVAL IN THE IMMIGRATION COUNTRY

The rules on this subject which may be found in the laws of the emigration or immigration country or (very rarely) in bilateral agreements are extremely varied,<sup>3</sup> but they are generally based on the contract between the transport agent and the person transported and apply equally to all travellers, irrespective of their occupation.

In view of the various examinations which the emigrant has to undergo, like so many hurdles which have to be jumped, before he can proceed to his destination, it may be thought that cases of rejection on arrival in the immigration country are very rare. Such cases exist, however, more frequently than might be thought, and all the examinations held previously to disembarkation do not guarantee admission until the final examination in the country of immigration has taken place. This anomaly may be due either to the fact that different criteria are used at the different examinations even when diagnosing the same physical defect or to the fact that the first

<sup>1</sup> INTERNATIONAL LABOUR OFFICE: *Migration Laws and Treaties* (Studies and Reports, Series O, No. 3), Vol. I, pp. 267-272.

<sup>2</sup> Article 14 of the Danish Emigration Act states that "if an emigrant is refused permission to disembark in a country to which he is travelling, or in the foreign port in Europe from which he was to sail for a foreign destination, the emigration agent must make arrangements for his return voyage (including board) free of charge to the place from which his outward ticket was available".

<sup>3</sup> *Migration Laws and Treaties*, Vol. I, pp. 322-324, Vol. II, pp. 302-311, and Vol. III, p. 67.



examiners knowing that further examinations are to take place are not quite as thorough as they might be. At a sitting on 12 June 1929 of the European Conference on Transit Cards, held under the auspices of the League of Nations,<sup>1</sup> a British expert, Mr. F. Bustard, gave as an example the case of a Rumanian emigrant proceeding from Bucharest to New York, who would have to be examined successively by at least eight medical inspectors in Poland, Great Britain and the United States, assuming that he travelled by steamer from Danzig to London and then again from Southampton to New York. He added that these numerous examinations did not prevent emigrants from being occasionally rejected on arrival in the United States.

As a rule emigration laws make it compulsory for the shipping company or the emigration agent either to refund the cost of the journey if the emigrant is rejected on arrival, or to repatriate him to the place of embarkation or his previous domicile. The only exception to this obligation is when the immigration regulations of the country of destination have been changed after the departure of the emigrant. Immigration laws also frequently make the shipping company responsible for the return journey of a rejected immigrant, but they usually make an exception if the latter has been guilty of dissimulation. It is very important from the point of view of the rejected immigrant that he should be repatriated not merely to the port of embarkation but to his actual destination; this cannot always be done in the case of refugees, and consequently the laws on the subject often fail to specify the exact place to which the immigrant should be repatriated.

When migrants are transported by land it has already been pointed out in the last chapter that the transport agent is not usually responsible, his place being taken as a general rule by the employer. In Germany Polish seasonal workers rejected by an immigration office at the frontier for reasons of health were given a voucher entitling them to a return ticket at a reduced fare to the place they came from. According to the Austro-Czechoslovak Administrative Agreement of 24 June 1925 concerning the immigration of Czechoslovak agricultural workers to Austria, the repatriation of workers rejected at the frontier is guaranteed by a repatriation fund attached to the

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<sup>1</sup> See above, page 124.



Central Agricultural Labour Office in Austria and constituted by contributions from the employers. The Franco-Polish Protocol of February 1925 and the standard contract for Czechoslovak workers in France specify that the employer concerned must pay the cost of the return journey in cases of this kind.

The question of possible rejection at the end or practically at the end of the journey, which is of such importance for the migrant, was considered by the International Emigration Commission of 1921, when the following resolutions were adopted:

"20. Every Member should make provision for an effective examination of migrants in every port where emigrants embark and if desirable at the chief points of the frontier through which emigrants pass.

"With the object of reducing the chances of rejection by the country of immigration and to prevent the development of contagious diseases *en route*, the said examination should bear chiefly on the following points:

"1. Whether the emigrants have complied with all conditions required before their departure.

"2. Whether they satisfy the provisions in force in regard to entry into the country of immigration.

"21. It would seem to be desirable that special conventions made between the States concerned should stipulate the conditions under which examinations of emigrants shall take place; the manner in which countries of emigration and immigration shall provide for such examinations in their respective ports or at their frontiers; the conditions under which admission to the countries shall be secured; the form to be given to certificates and other necessary documents; and any other provisions concerning emigration, immigration and repatriation."

As will be seen, these resolutions state the problem but do not resolve it, as the Commission was obliged to take account of contradictory opinions based on the principles of national sovereignty under which the authorities of the countries of emigration and immigration claimed the right to examine migrants. Subsequently the situation seems to have improved in practice, since representatives of immigration countries have sometimes been allowed to examine emigrants on the territory of the emigration countries. Some recent examples show, however, how much remains to be done by way of co-operation between countries of emigration and of immigration to eliminate completely and finally the multiplication of examinations and to render impossible rejection on arrival, involving expense and hardship for the migrants and their families, at a time



when they have frequently severed all connection with their country of origin and have not yet been able to create any new connection in any other country.

#### DURING RESIDENCE IN THE IMMIGRATION COUNTRY

The provisions on this point are still more numerous and more varied.<sup>1</sup> They deal generally with the case of immigrants who fall ill or become indigent for reasons connected with the migrant himself or with a third person (death of the family breadwinner, etc.) or through *force majeure*.

In order to meet these eventualities the legislation of a large number of emigration countries makes it compulsory for shipping companies holding a licence for the transport of emigrants to supply return tickets at reduced rates through the consular authorities, who in turn receive from their home countries allowances to cover the cost of assistance to repatriated persons. At the same time, much is done and much money spent for the same purpose by private associations which may or may not be subsidised, and which may be established in the emigration or immigration country. A few immigration countries, such as the United States and Brazil, grant immigrants who become indigent the right to repatriation for themselves and their families at the expense of the Government. The obligations of employers in this respect will be referred to in the next section.

In addition to this form of repatriation, which is after all a kind of public relief for the immigrant, there is expulsion, which ranges from the mere withdrawal of a residence permit or an order to leave the country without declaring the person concerned to be an undesirable alien to what is known in many countries as deportation. An alien who is "expelled" has frequently to pay his own expenses or apply to friends or charitable organisations, and if he is in indigent circumstances he may have to leave his family behind. There are also certain measures of "voluntary" repatriation, to which immigrant workers are sometimes invited in periods of heavy unemployment by the authorities or other bodies, and which are also open to criticism.

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<sup>1</sup> Cf. *Migration Laws and Treaties*, Vol. I, Chapter X, Vol. II, Chapter X, and Vol. III, Chapter V, § 5.



It must, however, be recognised that expulsion and deportation, which have been used on a large scale during the economic depression, give rise to serious objections. In the first place certain immigration countries do not grant a free return journey beyond their own frontier and in that case, if the immigrant comes from a country which is not contiguous and does not receive any assistance from any other source, he is placed in a very serious situation comparable to that of a vagabond until he succeeds at the cost, very often, of great suffering and difficulty in reaching the frontier of his own country. Even when such tragic complications are avoided and supposing that the deportation is due to the indigence of the person concerned, it may be objected that such measures have the effect of placing migrants and their families, who have come to co-operate in the prosperity of the country of immigration and to take their place in the working population of that country, in the same situation as political prisoners or criminals.

Numerous as are the regulations concerning assistance to indigent immigrants (generally including repatriation), these prove far from complete in times of depression. The burden of such assistance has grown so heavy that some States have had difficulty in providing both for these persons and for their own nationals and have tried to send as many as possible back to their countries of origin. As there is a danger of excessive pressure being brought to bear on immigrants, the States directly concerned have often entered into negotiations to prevent abuses. By a Protocol of 28 April 1923 and an Exchange of Notes on 2 May of that year, Germany and Czechoslovakia agreed that no immigrant should be expelled simply on account of the general housing or food situation in the country of residence, and that no citizen of one of the contracting parties should be expelled merely as a result of losing his job in the other country, always provided that he was entitled to unemployment relief there or had other lawful means of subsistence. Several of the workers' representatives on the Committee on Unemployment Insurance and Various Forms of Relief for the Unemployed set up by the International Labour Conference at its Seventeenth Session (1933) expressed the view that the principle of equality of treatment meant that a State which accepted it could not expel foreign workers from its territory for the sole reason that they were unemployed.



Both those who are rejected and those who are more or less voluntarily repatriated benefit greatly from the work of charitable and philanthropic associations which have services, agencies or affiliated organisations in the two countries concerned and representatives or offices in ports and stations through which migrants pass, on board ship, on trains and in the country of destination. Valuable assistance has been given to returning migrants by collaboration between the authorities and these associations. For instance, a number of organisations affiliated to the Permanent Conference for the Protection of Migrants and working in the ports of Bremen and Hamburg have arranged with German consuls abroad to be regularly notified of the departure of repatriated persons for these ports, so that the necessary steps can be taken to receive them.

#### ORGANISED REPATRIATION

The various general regulations referred to above, especially in periods of depression, when the distinction between deportation and voluntary repatriation is somewhat blurred, concern immigrant workers who are reduced to poverty in the immigration country, but special reference should be made to the more specific measures concerning the organised migration of workers prescribed in laws, treaties or contracts and applying solely and directly to such persons.

In the first place it is worth noting that repatriation may be practised systematically by the immigration country, by the country of origin or by both as part of their general migration and employment policy.

In the parts of Europe or America where repatriation is systematically organised, this is done not so much as a means of protecting the worker but rather because the emigration country does not wish its citizens to settle permanently abroad, or because the immigration country does not wish a permanent addition to its population of people of alien race or workers likely to fall out of employment in the slack season.

In somewhat infrequent cases repatriation may be part of a plan for the redistribution of population, in which case it is a kind of organised emigration in a direction which is the reverse of the normal one. An example may be found in the joint declaration published by the Governments of the Union of South Africa and of India on 21 February 1927, in which



they agree to encourage Indians to leave the Union and return to India or proceed elsewhere; all Indians wishing to do so can claim £20 in respect of each adult and £10 in respect of each child under 16 leaving the country. Free transport is provided by sea and on the railways of the two countries, and steps are taken to secure the well-being of the migrants during the journey. No convoy may leave South Africa until the authorities in India have been notified; when the migrants reach India they must be advised as to the available employment for which they are fitted.

As a general rule, however, repatriation merely means the termination of the employment of a foreign worker in the immigration country.

The legislation of the emigration country may merely stipulate that any contract for abroad must definitely specify the conditions for the worker's return to his country of origin. Under the Polish Legislative Decree of 11 November 1927, for instance, every contract of employment for a worker recruited for service abroad must specify in detail the employer's obligations with regard to the worker's return to Poland, as well as his obligations in the event of sickness, accident or death occurring to the worker. In many cases the legislation of the emigration country provides that the written contract entered into between the emigrant and the employer or recruiting agent should make it compulsory for the employer or the agent to repatriate the worker when his employment ceases. Reference will be made later to the clauses of emigrants' contracts on this point and the obligations of the two parties. According to the Japanese Migrants' Protection Act, the emigration agent is responsible for the repatriation of the emigrant or for his maintenance abroad in the event of sickness or indigence for a period of ten years after his departure. Those who are responsible for non-assisted emigrants assume the same obligation. The Czechoslovak Emigration Act of 20 February 1922 prohibits the recruiting of agricultural settlers for abroad unless the recruiting agent guarantees to repatriate them if they are ill or unsuited for the work.

Except in the case of colonial regulations, most emigration laws leave the question of repatriation to the contracts between immigrants and their employers. The matter may also be dealt with in bilateral agreements. One of the chief purposes of the Treaty signed by Germany and Poland on 24 November



1927 was to organise the departure of Polish agricultural immigrants at a fixed date every year so as to maintain the seasonal character of their employment in Germany. These workers had to be repatriated between 15 December and 20 February every winter.<sup>1</sup> The same practice was adopted under the agreements between Germany, Yugoslavia and Czechoslovakia concerning the immigration of seasonal agricultural workers to Germany. Section 2 of the Austrian Agreement of 24 June 1925 with Czechoslovakia concerning the employment of Czechoslovak seasonal workers in Austrian agriculture provides that these workers may not under any circumstances remain in Austria beyond 15 December; if they do they will be deported. The Agreement concerning Polish seasonal immigration to Latvia in 1933 provided that Polish agricultural workers should on the expiration of their contract receive a fixed sum from their employers to cover the cost of their return journey to their place of origin in Poland.

In France the question of repatriation is regulated in the first instance by the standard agreements laid down in the bilateral treaties which France has concluded with various emigration countries in Europe. An outline of the different clauses in these contracts concerning repatriation will be given later. It should be noted that since the economic situation became more acute short-term contracts of employment, under which the employer is responsible for the cost of repatriation, have become much more common in France. This is in harmony with the policy of the French authorities, who are endeavouring to prevent foreigners from becoming unemployed in the country after completing the work for which they were engaged.

A system of so-called "seasonal holidays" which has long been practised in France for the benefit of immigrants and their families as well as for the sake of the employers and the French employment market is worthy of special mention. This system, which applies chiefly to workers in occupations that have a slack season, means that a worker who wishes to return home temporarily may obtain a holiday of not more than six weeks' duration (two months in the case of Italian workers) from the French authorities, on presentation of a

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<sup>1</sup> The contracts of employment stipulated that the cost of the return journey to the Polish frontier had to be paid by the employer and that the worker would receive railway tickets at a reduced rate to his place of origin in Poland.



holiday certificate and a letter of re-engagement from his employer; these documents have to be visaed by the Ministry of Labour. These short holidays entitle the workman concerned to return to France without further formalities during the specified period. With regard to holidays exceeding six weeks, the letters of re-engagement must be submitted, at the end of the holiday and before the return of the workman, to the Ministry of Labour, which examines them as though they were fresh applications and before approving them consults the public employment exchanges.

In the latter case it is clear that the situation of a migrant who has gone away on a "seasonal holiday" may be very uncertain, especially in a period of heavy unemployment, because it may happen that, at the end of the period provided for, he may be refused permission to return to France as an immigrant although he may have left his family and perhaps certain property, furniture, etc., there.

Among the various provisions concerning repatriation and laying down guarantees on the subject, the most important are to be found in the contracts of employment. A brief outline is given below, but the reader is also referred to Chapter II of Part III for details of the special case when the contract of employment is broken for some reason or other before it expires.

The responsibility for the cost of the return journey may be determined in a different way from the responsibility for the outward journey, or the same system may apply in both cases.

When the two are separate the contract of employment may make the employer or the worker responsible for paying the cost of the return journey. More complex methods may also be met with. One system is to deduct a certain amount from the worker's wages and accumulate these sums, which will be returned to him when his engagement expires. Under another system workers who have remained in employment until their contracts expire receive a bonus for their return journey, which is either fixed at a lump sum or varies according to the duration of their engagement.

When the cost of the outward journey and the return journey are dealt with on the same basis, some other arrangement must be made. If the worker is responsible for his travelling expenses but is granted an advance by the employer, it may be stipulated that, provided he refunds this amount



by deductions from his wages, the employer will return these amounts to the worker when his contract expires.

In other cases the workers themselves pay the cost of the outward journey, and when they have completed their contract the employer either pays them a like amount or else grants them a bonus varying with the length of their employment. It should be noted that the payment of a fixed sum to the worker when his contract expires does not always imply that it must be used to pay the cost of his return journey. It is true that certain contracts specify that if the worker does not return home at the end of his engagement the sum paid to him will be held over until he does return home or will be reduced by a certain proportion. In most contracts, however, there is no such restriction, and in some cases it is even stipulated that the bonus must be paid even if the worker continues to be employed in the same undertaking or remains in the country.

The rules concerning the repatriation of workers are usually less detailed than those concerning their outward journey. This may to some extent be due to the fact that the worker is assumed to have saved some money and gained some experience in the interval. The rules for their original journey generally serve as a model for those concerning repatriation. In Germany, for instance, the system of repatriating Polish seasonal workers was practically the same as that for their original journey: the emigrants were concentrated at certain centres and were then taken in groups by special trains to the nearest frontier station. On both journeys the whole organisation and all the arrangements were in the hands of the German Central Office and its branches. In the same way the voluntary societies carried on similar work for repatriated migrants as for emigrants, having special offices at the frontier for providing various forms of assistance.

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# PART III

## LIVING AND WORKING CONDITIONS

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### CHAPTER I

#### EQUALITY OF TREATMENT

It is impossible to over-emphasise the importance of the question of equal living and working conditions for foreign and national workers in the relations between emigration and immigration countries and in the lives of the workers themselves. It is in any case one of the most important problems connected with the recruiting and placing of migrant workers.

It is true that absolute and complete equality would be difficult to imagine, for while in respect of certain matters there is no *a priori* restriction upon equality — e.g. wages, general working conditions, and social insurance — in many others, and in particular the spiritual and cultural life of emigrants, an equality conceived not as virtual equivalence but as exact identity of treatment would in practice lead to intolerable inequalities. To realise this, one has only to picture what might happen if rigorous unification was forced upon national and foreign workers in education or religion. The result could only be that many immigrants would be unable to satisfy their higher needs. There are, therefore, certain fields in which some differentiation in favour of immigrants is indispensable, even if the immigrants are not compact groups, or islands as it were in a human sea, somewhat resembling the minorities of race, language or religion found in a number of countries.<sup>1</sup>

In other cases, the basis for equality of treatment is lacking. In some countries of immigration it is almost impossible to

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<sup>1</sup> Cf. Dr. René MARTIAL: *Traité de l'immigration et de la greffe interraciale*, Chapters XII and XIII.



find workers in certain occupations, and the principle of equality of treatment may then be insufficient to guarantee equitable treatment to foreigners. Similarly, when European workers are being introduced into certain colonial territories where there are no workers in the same trade from the home country, special living conditions have to be provided for, because the standard of living of the natives cannot be used as a standard, in view of the differences of civilisation and of needs.

Nevertheless, for the great majority of practical problems arising out of the regulation of working and living conditions of immigrants, the principle of equality of treatment is the only principle of action compatible with social justice, and in the last analysis its application is to the advantage of all parties concerned. Hence to-day it is becoming more and more the mainspring of migration policy on all points and for all classes of workers. Reference may be made, by way of example, to the fact that the Advisory Committee on Professional Workers, at its Fifth Session in October 1935, invited the International Labour Office to continue the drafting of international regulations ensuring equality of treatment for national and foreign professional workers.

From a social standpoint, it does not seem right to refuse certain material or moral privileges to workers who contribute to the economic development of the country just as much as the national workers. It is in fact a question of the principle of "equal remuneration for work of equal value" laid down in Part XIII of the Treaties of Peace, a principle whose implication must be that for equal work immigrant workers should have "conditions of labour" equal to those of national workers.

But the requirement of equality of treatment does not find its justification in theoretical considerations alone, for upon its satisfaction largely depends the success of a very delicate demographic and social operation — what has sometimes been called the "grafting" of a foreign member on the living body of the immigration country.

At present the *principle* of equality of treatment of national and foreign workers, as propounded above, seems to meet with general approval, but there is no escape from the fact that its practical application raises a number of questions, of varying degrees of difficulty and so numerous that it is quite impossible to examine them all in detail here. It is enough to say that equality of treatment is a factor in the following



groups of problems among others: wages, general working conditions (hours of work, paid holidays, protection of labour, etc.), and social insurance. In all these spheres complex and delicate problems have to be solved by national laws, bilateral and multilateral Conventions, and contracts of employment. The treatment of foreign workers may be regulated by placing them on a footing of complete equality with national workers, by reciprocal arrangements, or by the operation of a most-favoured-nation clause. This clause, however, borrowed from the economic world, is becoming increasingly rare in labour and migration agreements, mainly owing to the impossibility of defining its scope exactly, and the difficulty of regulating any given migration movement in precisely the same way as another movement of different origin and often of different character.

The principle of strict reciprocity is observed when the treatment in one country of the nationals of another is practically the same as the treatment in the second of the nationals of the first. Consequently, unless care has been taken to agree upon minimum statutory conditions which serve as criteria for judging whether reciprocity is effective or not, the application of this principle requires a constant watch over the practice followed in the two countries, so that they can be exactly adjusted to one another. An example of this latter method is furnished by the Conventions on invalidity, old-age, and widows' and orphans' insurance adopted by the Seventeenth Session of the International Labour Conference. These Conventions, which will be considered later on, provide that foreign insured persons and their dependants, if nationals of a Member of the International Labour Organisation which is bound by the Convention in question, and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme, shall also be entitled to any subsidy or supplement to or fraction of a pension payable out of public funds.

When there is strict equality of right, the foreigner is entitled, *ipso jure*, to the same treatment as national workers, irrespective of the treatment accorded by his country of origin to nationals of his country of residence. This equality of treatment, however, is not applicable to all foreigners living in a given country, but is based on provisions of bilateral agreements fixing the conditions of work and establishment for the nationals of one



of the two States in the territory of the other. The resulting regime is thus based on the principle of reciprocity as much as on that of equality. Exactly the same conclusion could be drawn from a close examination of multilateral Conventions.

It is clear that the advantages of reciprocity established in this way between two countries are enjoyed almost entirely by the nationals of the emigration country. The social and economic justification and necessity of this circumstance have been explained. In addition, there is the very great interest that the country of residence has in facilitating collaboration between foreigners and nationals, and in preventing the outbreak of disputes which will be inevitable if the foreigners engage in unfair competition, deliberately or not, by accepting inferior conditions of life and work. Here lies the real justification of equality of treatment in the immigration country.

The principle of equality of treatment — or rather, as has just been seen, the principle of contractual reciprocity — has steadily gained wider acceptance since the beginning of the twentieth century, particularly since the war, and now underlies most of the agreements regulating the working and living conditions of foreigners. Despite the undeniable utility and importance of these bilateral treaties for defining the relations between emigration and immigration countries, they cannot be said to provide foreign workers with a code of regulations that is really equitable and conceived in the spirit of social justice. In fact, negotiations for labour treaties closely resemble commercial or political negotiations, in which each side tries to obtain as much as possible and concede as little as possible. It is thus clear that the desire for the welfare of the emigrants themselves is sometimes overshadowed by economic and political considerations that have nothing in common with social protection and justice.

It is therefore not surprising that some authors have recognised the need of establishing “generally accepted rules of law”<sup>1</sup> which would supplement bilateral treaties and at the same time provide a basis for the legal status of workers employed in foreign countries.

From its very inception the International Labour Organisation has dealt with this vast problem. At its first session held in Washington in 1919, the International Labour Conference

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<sup>1</sup> G. SIMON: *Le problème des migrations de travailleurs. Point de vue d'un pays d'émigration*, p. 10. 1929.



adopted a Recommendation concerning reciprocity of treatment of foreign workers, which, as was seen in the Introduction to the present report,<sup>1</sup> is concerned more particularly with reciprocity of treatment in the protection of workers and freedom of association, and does not explicitly refer to the important matter of equal pay for equal work by foreign and national workers.

With regard to social insurance, in 1925 the International Labour Conference adopted a Draft Convention, which came into force in 1928, ensuring to foreigners or their dependants the same treatment as to national workers, without any condition as to residence, in the matter of workmen's compensation for accidents. This Convention was supplemented by a Recommendation developing the principles embodied in it.

At its Tenth Session, held in 1927, the Conference adopted a Draft Convention on sickness insurance for workers in industry and commerce and domestic servants, and another on sickness insurance for agricultural workers. These two Conventions tacitly include foreign workers, and thus guarantee them equality of treatment with national workers as regards insurance conditions and benefits.

The six Conventions concerning invalidity, old-age and widows' and orphans' insurance adopted by the Seventeenth Session of the Conference in 1933 contain detailed provisions regulating the position of insured foreigners. They lay down that foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals. Further, foreign insured persons and their dependants are entitled, under the same conditions as nationals, to the benefits derived from the contributions credited to their account.

Special arrangements are provided for with regard to any "subsidy or supplement to or fraction of a pension which is payable out of public funds". As already stated, the Conventions restrict the grant of these payments to nationals of States bound by the Convention in question. If these payments are granted solely to insured persons who have exceeded a prescribed age at the date when the compulsory insurance comes into force, national laws or regulations may restrict their application to nationals. Lastly, the Conventions provide that

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<sup>1</sup> See p. 8 (note).



any restrictions applied in the event of residence abroad shall apply only to the extent to which they apply to nationals of the country in which the pension has been acquired, so far as pensioners and their dependants who are nationals of a country bound by the Convention in question, and who reside in a country bound by the Convention, are concerned. There is a proviso, however, that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld in such cases.

Thus, these six Conventions furnish typical examples of each of the two policies most commonly followed in respect of foreign workers: on the one hand, unconditional equality (as regards insurance conditions and payment of benefits in consideration of the insured person's contributions); on the other, contractual reciprocity (as regards payments from public funds).

While these six Conventions, so far as the provisions for foreigners are concerned, aimed merely at laying down a minimum of protection, the Draft Convention adopted by the Conference at its Nineteenth Session in 1935 established an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance. With regard to the problem of the maintenance of rights in course of acquisition, the scheme provides that the insurance periods spent by the migrant in various countries shall be regarded as forming a continuous whole so that the migrant will not be in danger of forfeiting the benefit of the contributions paid on his behalf. With regard to the maintenance of acquired rights, it was decided that this should be confined to persons resident in the territory of a Member participating in the scheme. The nationals of such a Member, however, retain their right to benefits acquired in return for contributions paid, including in certain cases pension components payable out of public funds, irrespective of their place of residence. At the same time, the Draft Convention gives a precise definition of the provisions which must be applied by States Members in their insurance schemes in order to be eligible for participation in the international scheme referred to above. In particular, each Member must treat the nationals of other Members participating in the scheme on the same footing as its own nationals for the purpose of liability to compulsory insurance and of insurance benefits including benefit components payable out of public funds.



The International Labour Conference has continued its work of regulating internationally the treatment of foreign workers by adopting a Draft Convention concerning unemployment in 1934, which provides that while a claimant for benefit or an allowance may be disqualified in respect of any period during which he is resident abroad, foreigners shall be entitled to benefit and allowances upon the same conditions as nationals. Equality of treatment may, however, be withheld from the nationals of any State which is not bound by the Convention in respect of payments from funds to which the claimant has not contributed.

Another decision of the International Labour Organisation in the matter of treatment of foreign workers is the resolution adopted by the Seventeenth Session of the Conference on the proposal of the Chinese Government delegates, which is referred to in the Introduction to the present report.<sup>1</sup> It may be recalled that this resolution, which asks the Governing Body to consider the desirability of placing the question of equality of treatment on the agenda of the International Labour Conference, aims at the complete application of the Washington Recommendation mentioned above. In particular, stress is laid on the fact that "owing to the financial and economic crisis from which the whole world has long been suffering, workers resident in foreign countries have been treated in a manner contrary to the principles of equality and justice" and that "a large number of them have been forced to leave the country where they were employed, and have thus become completely destitute".

The two international Conferences on emigration and immigration held in Rome (1924) and Havana (1928) also dealt with the problem of equality of treatment. The Rome Conference, in a resolution concerning the desirability of an Emigrants' Charter, recommended that rates and taxes higher than those imposed upon national workers should not be imposed upon foreign workers by reason of their employment or their presence in the country; that, subject to reciprocal treatment, foreign workers should be entitled to receive free legal assistance on the same conditions as nationals of the country concerned; and that foreign workers and members of their families should be entitled to the same rights as nationals under the laws for the protection of labour, compensation in case of accidents, admission to trade unions and associations,

<sup>1</sup> See pp. 8-9.



and social insurance benefits, provided that, so far as the latter are concerned, reciprocal treatment or equivalent advantages are offered by the other country.

The Havana Conference passed a resolution on equality between national workers and foreign workers legally residing in a country as regards conditions of labour and social insurance. In this connection, the Conference first recalled that inequality of treatment of foreign and national workers is prejudicial not only to the interests of these workers but also to the interests of the emigration and immigration countries. Hence the recommendation that "equality of treatment of national workers and foreign workers legally residing in a country, a principle embodied in the legislation of most countries, should be strictly applied in the laws for the protection of labour and social insurance, and in connection with the conditions of labour; and the principle of equality of wages should not be violated by workers asking for a supplementary remuneration intended to cover travelling expenses, repayment of which was not provided for in the contracts or Conventions in force".

Considerable light was thrown on the same problem by the proceedings of the Conference on the treatment of foreigners held in Paris in November and December 1929. The Economic Committee of the League of Nations, on whose proposal the Conference was called, laid before it a Draft Convention on the treatment of foreigners, and this was taken as the basis for the discussions. Both in the Economic Committee's draft and in the discussions at the Conference, it was recognised that in the Draft Convention, which was mainly concerned with traders and manufacturers, provisions applying to all foreigners indiscriminately should include workers, whether manual or non-manual. The Conference, however, was unable to achieve any concrete results, and decided that a second session should be called when Governments had communicated to the League of Nations their observations on the various questions dealt with at the first session, and the International Labour Office had communicated a memorandum on the provisions concerning the treatment of "foreigners described as workers", this memorandum to be compiled in the light of the Draft Convention, the discussions at the Paris Conference, and any observations of Governments.

So far it has not seemed expedient to call the second session of the Conference.



The adoption of a guiding principle with regard to the treatment of migrant workers is clearly no more than an indication, and the problems of application and organisation remain to be solved. In every country measures are taken and organisations set up for the purpose of protecting the workers and it is only within the scope of such general measures that assistance for migrants and the application of principles like that of equality of treatment can be considered. Certain special forms of assistance have frequently been found useful or even necessary in this connection in order to ensure that the principles laid down or the undertakings entered into are really applied in daily practice. Detailed information on this point will be found in the last chapter of this report, which deals with inspection and protection.

The attitude of workers' organisations towards equality of treatment has been expressed in a large number of resolutions advocating equality rather than reciprocity of treatment. The World Migration Congress, held in London in June 1926, declared that "the legislation of every country must ensure to all immigrant workers, both male and female, the same rights as to national workers in respect of wages and working conditions". As regards insurance, the Congress recommended that "all labour bodies co-operate to secure for immigrant workers complete equality of treatment in respect of all forms of social insurance established by law in the country of immigration"; and further that "everything should be done, pending the achievement of the above, to promote the adoption of the principle of reciprocity of treatment". Apart from these great questions of principle, the trade unions also deal with technical questions which are of great importance in applying the principle of equality of treatment among workers of different nationalities. These questions include the organisation in trade unions of workers engaged outside their own country and their participation in the leadership of the unions and other similar organisations.

Further reference will be made to this subject in Chapter III of this Part in connection with the attitude of trade unions towards the problems of migrant labour.

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## CHAPTER II

### STANDARD CONTRACTS

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The part played by contracts in the international recruiting and placing of labour, already referred to in this report,<sup>1</sup> has developed considerably since the world war and has, in fact, been one of the most characteristic features of migration during the last decade. True, some oversea immigration countries are still opposed to all immigration under contract, and many emigration countries have only resorted to contracts under the stress of the economic depression and the restrictions enforced in immigration countries. But it is none the less striking that in organised migration, at any rate, the contract of employment is becoming the central feature of all regulation of international movements of labour. It is therefore necessary to make a careful examination of the contracts of migrant workers, their form and contents; and in this chapter a number of different types of contract are analysed and compared. No attempt has been made to describe all the contracts in use in all countries, for the purpose of the chapter is to give a general idea of recent methods of defining, through the instrumentality of contracts, the rights, duties and general employment and living conditions of migrant workers. This is why reference is sometimes made in the following pages to certain provisions or clauses which, after enjoying wide currency in the last few years, have fallen into disuse for the time being.

As the present report deals with the placing of workers who are recruited abroad and who cross the frontier of an immigration country for the purpose of working there, it deals only with the contract of employment in the stricter sense of the term, that is to say, with a contract concluded for this purpose, generally in writing, to the exclusion of any other contract whether verbal, implied or even written, that the immigrant may accept subsequently, after he has been for

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<sup>1</sup> Cf. more especially Part II, Chapter II, section 3 ("Applications for Labour"). For the different views held with regard to the desirability of contracts for the recruiting and introduction of migrant workers, see INTERNATIONAL LABOUR OFFICE. *Employment Exchanges*, pp. 187-190.



some time in the country of immigration. It may be added that the proportion which the number of contracts of engagement form of the total number of foreign workers working in a country is very high in times of economic prosperity when labour is in great demand, but falls considerably in periods of depression because the restrictions on the admission of immigrants bring about a great reduction in the number of new arrivals.

Like all other contracts, the contract of employment of migrant workers is the simplest legal means of guaranteeing fulfilment of the obligations assumed by each of the contracting parties. In the recruitment of workers for abroad it is particularly important that both parties should know exactly what they have undertaken, and the fact that they have signed the contract is likely to make them examine the contents carefully. Similarly, it is becoming more and more the rule for contracts to be drawn up in two languages, that of the worker and that of the future employer. Sometimes even it is laid down that before the worker is asked to sign the contract it must be read out to him and his attention drawn to the most important provisions.

In addition to these general features of contracts of employment of migrant workers, mention must be made of a practice which although of relatively recent origin is becoming commoner, especially in European continental migration — the compulsory use of standard contracts. In this case the terms of the contract between the worker and his future employer do not depend entirely upon the desires of the contracting parties, and it is not enough for it to be devoid of provisions contrary to the laws or regulations in force in the country of emigration or immigration; it must conform to a standard laid down, and usually the parties must use a printed form reproducing the wording of this standard. This form must be signed by the employer and worker without any alteration and with the addition only of the necessary personal particulars (employer's and worker's names, rate of wages, cost of accommodation, arrangements as to refund of travelling expenses, etc.). It is thus easy for the parties to find out in advance what they are undertaking in concluding the contract. Also, when the contract is prepared, supervision by the authorities is considerably simplified because they have only to check the additions made by either party.



An important point that should be stressed is that when based on a standard form of this kind the contract of employment of migrant workers is different from what it would have been if it had been drawn up solely according to the desires of the two parties subject only to the approval of the competent authorities; it retains its validity as evidence of the intentions of the parties and as an instrument of private law; but it has an added significance as evidence of the intentions of the States concerned, and consequently enters into public and international law. Very often, in fact, standard contracts, the terms of which are agreed upon by the competent authorities of the two countries in question, supplement the provisions of bilateral labour treaties; or by entering into the necessary practical details, develop certain principles or rules of which the treaties give only a bald enunciation. In these circumstances the standard contract of employment, the corner-stone of the whole edifice of recruiting, is an integral part of the bilateral treaty system, and also takes on the character of an international obligation. But while the contract of employment is embodied in recruiting treaties it generally lacks the permanency and rigidity of the treaties themselves. It is this method of supplementing treaties, which lay down certain general principles, by detailed but more easily amendable texts adapted to the circumstances of the moment that has commended itself to several States for the regulation of a matter so complex as the recruiting of workers for abroad and their working and living conditions, for these vary not only from occupation to occupation and from district to district but also from season to season.

Usually bilateral labour treaties stipulate that standard contracts shall be drawn up in agreement between the competent authorities of the two countries. These authorities then communicate with each other periodically for the purpose of amending the contracts in the light of experience or changes in the general situation. Such procedure is explicitly provided for in the Franco-Polish Convention of 1919 and the Franco-Czechoslovak Convention of 1920. Sometimes also it is stipulated that the standard contracts may not be used or amended by one State without the consent of the other.

Although standard contracts are employed mainly in connection with bilateral recruiting or labour treaties they may also be imposed by unilateral measures. A measure of this kind was taken in 1926 by the Polish Emigration Office, requiring



the recruiting of Polish workers for the Rumanian and Yugoslav textile industries to be carried out on conditions negotiated on the basis of a standard contract drawn up by that Office. This measure was adopted on the ground that no application for Polish workers had been made by an official body or by authorised representatives of employers in either of these countries and that only individual applications were made by particular Rumanian or Yugoslav establishments in the industry concerned. A Decree of 10 January 1931 issued by the Director-General of Agriculture, Trade and Settlement in Tunisia, lays down that foreign workers shall only be placed in Tunisia under contracts conforming to a standard annexed to the Decree. In France employers desiring to bring in workers from a country with which France is not bound by a bilateral agreement must also employ a standard contract drawn up by the authorities.

Standard contracts are far from being uniform, and a distinction must also be drawn between contracts proper and applications for workers, and between individual and collective applications or contracts.

As seen above, in countries regulating immigration on the basis of contracts of employment requiring the approval of the competent authorities, employers desirous of engaging workers recruited abroad must apply to these authorities. If the application is approved, a new document (the contract signed by the two parties) brings the employer into relation with the foreign worker. In some cases, however, application and contract form a single document, known as an application until it is approved by the competent authorities or signed by the worker, and as a contract afterwards.

Applications for single workers are called "individual" and those for parties of workers "collective". In the bilateral treaties recently concluded by France these two terms are replaced by "nominal" and "numerical". In the first case the future employer mentions the workers by name and in the second he only mentions the number of workers he requires. It should, however, be noted that "individual" contracts for the employment of foreign workers in France are not necessarily "nominal"; considerable use has been made at certain periods and for certain occupations of "blank" contracts, the arrangement being that an intermediate authority allots the immigrants to the different undertakings requiring them, according to the



applications received. As a rule, under collective or numerical recruiting systems, applications and contracts must conform strictly to the standard form, whereas "individual" or "nominal" contracts are merely required to contain no clauses contrary to the agreements between the countries concerned.<sup>1</sup> To prevent employers from undertaking recruiting on a large scale without recourse to the standard applications or contracts provided for collective or numerical recruiting, precautions are often agreed upon by the immigration and emigration countries, e.g. limiting the number of workers that may be engaged by one employer under individual or nominal applications and contracts. In the agreements concerning the immigration of seasonal agricultural labour concluded by Germany and Austria with various European immigration countries, the contracts are all of one type, which differs from the French types in that the contract is concluded between the employer and a leader who, however, must see that all the members of his group sign it. Each worker is given a paper certifying that he has signed the collective contract. These collective contracts contain provisions, not found in individual contracts, regulating group recruiting; and in particular, the duties of the leader, the upkeep of the common accommodation, and preparation of the common meals by one or more members of the group. Apart from these collective contracts for group recruiting, mention should be made of family contracts which are very common in agriculture but rare in industry. In agriculture it may be to the employer's advantage to engage a whole family rather than several adults who are strangers to one another; and this form of recruiting is in many ways the most advantageous to the worker. A single contract is therefore concluded between the employer and the head of the family acting for himself and the working members of his family. In fact, application forms for agricultural workers are generally so

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<sup>1</sup> By the terms of a Franco-Polish Arrangement concluded in 1929, however, which provided for a special system of engagement for domestic servants and for industrial workers proceeding to small or medium-sized establishments which are not in the habit of applying for individual Polish workers by name, special types of contract were established for these classes of workers. Other applications for workers by name for industrial establishments must be based on contracts in harmony with the standard contracts used for collective applications. It may, therefore, be concluded that a very considerable proportion of, if not all, the "nominal" applications have been made under a different system from that applying to collective applications for Polish workers proceeding to France.



worded that the employer can apply either for single workers or families of workers. In the latter case he must state the number of workers that the family should comprise, the wage rates by age and sex, the number of non-working children allowable having regard to the accommodation available, etc. Family contracts also contain a clause guaranteeing separate accommodation for each household.

The foregoing considerations, and others bearing upon the differences between the various occupations or methods of work and remuneration, explain the great diversity of types of contract employed for the recruiting of migrant workers, and hence the diversity of methods employed for settling their conditions of employment.

It now remains to examine these methods with regard to the principal questions that it is the aim of most standard contracts to regulate, namely, hours of work, remuneration (including deductions, if any) board and lodging, insurance and assistance, denunciation of contract, authorities competent to settle disputes concerning the execution of the contract, etc. The stipulations of standard contracts concerning travelling expenses for the outward or homeward journey have already been mentioned in Chapters III (Transport) and V (Repatriation) of Part II of the present report.

### HOURS OF WORK

When hours of work in an immigration country are subject to official regulations the contracts of immigrant workers sometimes confine themselves to stating that the regulations will apply to these workers, and they quote the essential provisions, usually the normal statutory working day and week. For instance, a standard recruiting contract for Czechoslovak seasonal workers for Austrian agriculture refers to the statutory rules on hours of work in the different Austrian provinces, and states that the average working day must not exceed eleven hours including the time required for going to and returning from the place of work. Other contracts used for industrial and mining work in various countries state that the normal working day and week shall be those prescribed by the law of the country, including such exceptions as may be allowed. A standard contract for Polish workers recruited for Belgian mines states, for instance, that the normal working week is



six days of eight hours, subject to the exceptions provided for by Belgian law. Others, such as a contract employed for the engagement of Yugoslav workers for French mines, give some explanation of the manner of calculating the working day, but they also refer to the law on the subject.

When hours of work are regulated by officially recognised collective agreements, the contracts of employment of immigrant workers generally refer to these agreements. Thus, the standard contract used in German agriculture stipulates that the hours of work and the method of calculating them shall be adjusted to the provisions of the collective agreements in force in the district. These standard contracts then quote the rules to be followed when no collective agreement exists; namely, the time required by the worker to go to his place of work and return to the farm shall always be counted as working time, and the worker shall be entitled to two full hours per day for his meals, but this period is not to be counted as working time.

Lastly, in a third group of standard contracts it is merely stated that the hours of work of the foreign workers shall be the same as those of the national workers. Others are a little more explicit in this respect; under a standard contract used for the recruitment of Rumanian agricultural and forestry workers for France, the hours of work must in all circumstances be the same as those of the French workers in the same grade doing the same work in the same undertaking or, failing that, in the same district.

The rules concerning normal hours of work serve at the same time to regulate extra work, which is generally paid at special rates. Reference will be made to the methods of paying for extra work in connection with the regulation of wages, but some particulars may be given here of the conditions in which the worker may be required to do extra work. Generally speaking the contracts define extra work as (1) work done outside the normal working day in the form of overtime; (2) night work when day work is the rule; and (3) work done on Sundays and public holidays.

As regards (1), the contractual rules on normal hours of work serve to regulate overtime. Some contracts, such as those in use in French agriculture, do not confine themselves to defining normal work in terms of hours per day, but specify the time at which the normal day should begin and end. As to (2)



it may be noted that most contracts for industrial and mining work state whether the work for which the applicant is engaged is done during the day or the night, or both.

With respect to rest on Sundays and public holidays, most contracts for agriculture, and to a lesser extent for mines, specify the number of days of rest besides Sundays. In the case of religious holidays, while some contracts merely state that the contracting party is entitled to the same conditions as national workers, others, e.g. the contract for seasonal workers recruited for German agriculture, make allowances for possible differences of religion, and provide that workers whose religion differs from that of the majority of national workers may also stay away from work on their own religious holidays, except where a holiday has been transferred to the following Sunday by the ecclesiastical authorities. These contracts, as well as some contracts for French agriculture, lay down that if work is done on Sundays and public holidays, the foreign workers must be given facilities for attending divine service. The French agricultural contracts generally stipulate that if no work is done on Sundays and public holidays the foreign workers, like the French workers, must perform certain indispensable tasks such as looking after the farm animals.

For overtime, and Sunday and holiday work, certain contracts refer to the statutory regulations in force or to officially recognised collective agreements, which specify the conditions in which national workers, and, by application of the principle of equality of treatment, foreign workers, may be required to do extra work. Others, such as the contract for Italian workers recruited for the Swiss building trades, refer, failing statutory regulations, to local customs or special arrangements to be concluded between employer and worker. The contracts for French agriculture provide that if the employer requires national workers to do extra work, he may also require the foreign workers to do the same. These contracts stipulate in particular that at harvest or haymaking times the foreign workers must work the same number of hours as the national workers, and, if necessary, work on Sundays and public holidays.

When the conditions in which extra work may be required are not prescribed in the law or the provisions of collective agreements, restrictions are sometimes provided for by the contracts of employment themselves. It has already been seen that some contracts stipulate that the extra work that may be



required of foreign workers must not exceed that required of national workers. These contracts generally restrict extra work to cases of urgency. The condition of urgency is also included in the contracts for German agriculture, which, however, are careful to state that only the employer or his representative may judge the urgency of the work. An instance of detailed regulation of extra work in the contract itself is provided by a contract for the employment of Polish workers in the Rumanian textile industry. This contract states that extension of the working day, or Sunday, holiday, or night work shall not be authorised unless it is necessitated by *force majeure*, actual or threatened, or by an accident, or is required to assure the safety of the workers, or to safeguard the undertaking, or to permit of its development; or is indispensable for the prevention of damage to material or machines. However, in this case, hours of work may not exceed twelve, except for rescue or salvage operations.

#### REMUNERATION

The clauses concerning wages are obviously among the most important provisions of contracts of employment. As with hours of work, almost all contracts mention the principle of equality of treatment.

But while on this point it has sometimes seemed sufficient to refer to the conditions laid down for national workers, most contracts have not confined themselves to so general a provision in the matter of remuneration, and contracts not specifying the amount of wages either exactly or approximately are the exception. There is scarcely any example other than the standard contract for seasonal workers recruited for German agriculture, which merely states that the wages shall be those laid down in collective agreements, or failing such agreements those paid to German workers of the same occupation. It will be noted, however, that it is relatively easy in the case considered to ascertain these rates, and that the seasonal workers must have a fairly exact idea as to how much they will be paid.

All the other contracts examined specify the earnings as precisely as possible. Since these earnings often consist of very different components (wages in cash, wages in kind, special allowances and accommodation), since, moreover, the employer does not know the exact worth of the worker whom he brings



in from abroad, and since, lastly, most contracts provide that any increase or decrease in the wages of national workers shall apply automatically to the foreigners, it follows that the actual earnings cannot be definitely fixed in all contracts.

### *Cash Payments*

The simplest case is that in which the wages are paid entirely in cash. Here the contracts (for instance, certain contracts for mining work) may confine themselves to indicating the rates prevailing for the national workers employed in the undertaking, or failing that the district; the special rates for night-work, overtime or Sunday and holiday work; and the statutory or contractual deductions. With slight modifications this method of fixing earnings is employed in the contracts of employment of industrial workers whose qualifications are known in advance and who are required for a specific undertaking paying definitely fixed wage rates.

Frequently, however, when the worker concludes his contract with the recruiting agent, the district or the undertaking to which he will be assigned, and consequently the wage rates applicable, are not known. Then the contract does not exactly specify the rate of wages. The clause in the contract concerning equality of treatment in the matter of wages is a preliminary guarantee, but it needs supplementing, at least by provisional figures. For example, a contract of Yugoslav miners recruited for France states the guaranteed minimum wage; and then, for the workers' information, the average wage as obtained from official statistics. Similarly, some contracts for French agriculture, where workers are often assigned to specific undertakings only upon their arrival at the distribution centre, stipulate that the remuneration shall be the same as for French workers of the same occupation, and then quote the minimum wage rates established by the competent authorities for the various districts.

In many cases the worker's exact worth can only be judged on the spot, and accordingly some contracts provide for a trial period, stipulating that the final grading shall be effected and the corresponding wage rate fixed at the end of this period; and that if the worker does not then possess the necessary qualifications he shall accept the wage rate for his real grade, subject to the approval of the competent authority. It should



be noted that to avoid any abuses, such clauses, while leaving the employer some discretion in fixing wages according to the worker's qualifications, nevertheless impose a definite time-limit and allow the worker to appeal. In this connection, mention should be made of the clause in several contracts laying down that, if there is equality of work, ignorance of the national language shall not be invoked as a reason for paying the worker lower wages than those of national workers in the same occupation. The trial period is regulated differently for Polish workers recruited collectively for French undertakings other than coal or iron mines. The Franco-Polish Emigration Conference held in October 1928 decided that there should be two rates of wages for these workers: (1) the "theoretical minimum wage" payable to all immigrants during a trial period not exceeding three months, or to those whose qualifications were lower than those of the other workers in the same occupation and the same undertaking; and (2), "the normal minimum wage" payable in all other cases, and based on the earnings of 75 per cent. of the workers in the same occupation and undertaking.

The experience of the years preceding the present economic depression showed that very frequently workers outside their own country, instead of considering the contract as a guarantee of their rights, considered the period of work accomplished under contract as a period of inferiority accepted by them through inability to obtain a job in any other way. Once this period was passed they generally succeeded in obtaining a much higher wage than that provided for in the contract. Except in rare cases of "nominal"<sup>1</sup> contracts sent to workers proceeding to their old jobs, the wage fixed in the contract is a minimum wage. When, as has just been seen, the contract indicates in addition an average wage or a maximum wage, this is nothing but an indication and offers no legal guarantee to the worker.

The wage paid to the worker is, therefore, in most cases only the minimum and it is very rare that any higher wage is paid in practice. Frequently, the employer considers himself justified in reducing the wage to the minimum because, in deciding as to the occupational value of the worker, he is tempted to take into consideration the worker's ignorance of the language of the

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<sup>1</sup> Cf. p. 45.



country, sometimes even in spite of the stipulations of the contract. On the other hand, apart from the trouble he may have had in teaching the worker his job, he can never forget that he has spent a great deal of money in obtaining him. In these conditions it may be asked whether the fixing of a wage in the contract may not have the effect of infringing the principle of equality of treatment in practice.

A large number of contracts, not only agricultural but also industrial, allow for the conversion of time rates to piece rates. Sometimes they simply mention the rates payable for time and piece work, it being left to the employer to choose between the two. But very often, for example in a contract for Polish agricultural workers recruited for Belgium, and in most contracts for French agriculture, conversion of time wages to piece wages is subject to the agreement of the parties concerned, and in any case is only authorised for jobs usually paid at piece rates.

For piece work, contracts generally guarantee a minimum wage, and for the workers' information give the amount earned by an average worker. The contracts of seasonal workers recruited for German agriculture provide that where piece rates are not settled by collective agreement, they should be so calculated that an average worker earns at least 30 per cent. more than if he worked at time rates. A similar provision occurs in a standard contract for Polish workers recruited for the Rumanian textile industry; here the average daily earnings at piece rates must be at least 15 per cent. more than those at time rates, and must not fall below the minimum wage at time rates as fixed in the contract, even in weeks with less than six days' work.

The conditions in which employers may require the performance of extra work in the form of overtime or Sunday, holiday or night work have already been explained. With regard to payment for such work, contracts for industrial and mining work all provide for special payment either by referring to the relevant conditions applying to national workers or by quoting the actual rates payable. Contracts for agricultural work, e.g. those for foreign seasonal workers employed in Germany, and Czechoslovak seasonal workers employed in Austria, refer to the provisions of collective agreements or, failing them, statutory regulations. The contracts for French agriculture sometimes mention the special rates for work done



on holidays or overtime; and for this purpose specify the time at which the normal working-day begins and ends. Others are less precise and merely stipulate that the rewards or bonuses granted to national workers for extra work at harvesting or hay-making time shall also be granted to the foreign workers.

In application of the principle of equality of treatment, a large number of standard contracts also provide that the special bonuses or allowances, other than those just mentioned, to which the national workers are entitled, shall be automatically granted to the foreign workers. Some contracts explicitly state their nature and amount. A contract for Austrian workers recruited for French industry mentions the special bonuses payable for mountain work; and a contract for Hungarian workers recruited for France mentions family allowances. It is generally provided that the cost-of-living bonus may be proportionately decreased when the workers are given free lodging or are boarded by the employer at reduced rates.

Before examining payments in kind, which are often a substantial part of wages, a few words should be said about the deductions from cash wages authorised in contracts. In order to prevent abuses, the contracts are particularly precise on this point: they specify the exact amount of the deductions, when it is known in advance; or, otherwise, the nature of the deductions. The contracts of seasonal workers recruited for German agriculture require the employer to post up conspicuously a schedule of deductions applicable to the various classes of workers. Most contracts of workers recruited for France also contain a general clause prohibiting deductions from wages except as provided for in the Labour Code. In a contract for Italian workers recruited for Switzerland, the employer must bind himself not to recover from the worker, by deductions or otherwise, his surety or the cost of concluding the contract. The deductions most frequently mentioned are those for social insurance contributions and travelling expenses when these latter are payable by the worker and advanced by the employer. It may also be mentioned that the contracts for German agriculture expressly allow for deductions in the form of fines. These, however, may only be inflicted under working regulations that have been publicly exhibited, and their yield must be exclusively devoted to the benefit of the workers in the undertaking.



The method of paying wages is of particular importance to the immigrant worker, who is often isolated and ignorant of the manners and customs of the country, and consequently exposed to various abuses. Standard contracts have provided various means of safeguarding the rights of foreign workers. For instance, a contract of Polish seasonal workers recruited for Denmark stipulates that each worker shall be handed free of charge a special account book in a form approved by the Danish authorities; in this book the employer must enter every day the amount due and the amount paid as wages. The worker may keep his book or recover it from the employer at the termination of the contract. Two other standard contracts applying respectively to Hungarian industrial and agricultural workers recruited for France also contain particularly detailed provisions on this subject. Under the first, wages are paid exclusively in cash at least twice a month as required by French law and in accordance with the custom of the undertaking. Under the second, payment is also made in cash. The pay periods are the same as for French workers in the same occupation. Piece work is paid for when it is finished and in the same conditions as for French workers; but instalments may be paid every month at the worker's request up to 75 per cent. of the value of the work done.

### *Remuneration in Kind*

This is often provided for in the contracts of immigrant workers, especially in agriculture, and may be considered under the headings of food and accommodation.

#### *Food*

With regard to food the contracts often stipulate either that the employer shall supply the workers with certain specified articles of food, or that the worker shall or may be boarded by the employer, or again may state the conditions in which the worker may feed himself. The supply of articles of food as a part of wages is provided for in the contracts of seasonal workers recruited in groups for Germany and Austria. These contracts indicate the quantity of food that the employer must supply for a given period (a week in Germany and six weeks in Austria). Exchanging articles of food for cash is absolutely



prohibited in the contracts of Czechoslovak seasonal workers recruited for Austria, but subject to agreement between the parties these contracts allow the employer to supply the four chief meals instead of articles of food. The contracts for German agriculture allow money to be given instead of certain articles of food if the worker consents. The commodities must be valued at the official prices or, failing them, at the prices ruling on the nearest market. These contracts also provide that when the employer furnishes articles of food these articles shall be prepared and cooked by one or more women of the party, according to the number of workers, and that the employer must allow these women the necessary time for the purpose. In addition to this the contracts of Czechoslovak seasonal workers provide for special payment to the women. In the contracts of Polish and Czechoslovak workers recruited for French agriculture, there are similar provisions, covering cases in which there are a certain number of workers of the same nationality. Under these contracts the workers may be given either common meals identical with those of the French workers, at the employer's expense; or instead, if at least ten workers so request, articles of food. The cooking is then done in common by a worker, man or woman, who is allowed a half or a full day for the purpose, according to the number of workers.

Whereas the supply of articles of food is provided for only in a few agricultural contracts, there are many standard contracts in both agriculture and industry stipulating that the worker shall be fed by his employer, or that the worker shall choose whether to be fed by his employer or not. With rare exceptions, the contracts specify the cash value of the food; some provide that the corresponding amount shall be deducted from wages and others that it shall be included in them. In both cases, the wages include a sum representing food and sometimes also laundry. If the worker is not fed by the employer this amount is added to the basic wage; it is variable in each case, the variation being based on the official statistics. With regard to the quality, some contracts expressly stipulate that the food shall be identical with that of the national workers. When the workers are not to be fed by the employer, the contracts frequently state where they can feed, and the approximate prices, or the average daily cost of the food; or the employers undertake to give the workers all useful information so that they can buy the foodstuffs as advantageously as possible.



### *Accommodation*

As regards accommodation, contracts may be divided into three groups. Some require the worker to pay for his accommodation and give him information as to the prices and other conditions. The second group — the largest, especially in agriculture — provides that accommodation shall be provided by the employer. The third group allows either alternative, usually at the worker's choice, but sometimes at the employer's.

If the worker sees to his own accommodation the contract states where it is to be found and how much it costs; if the employer furnishes it, he may do so free of charge or at a price stated in the contract.

The contracts do not go into details as to the nature of the accommodation unless it is provided by the employer. Usually, however, there are general clauses on this subject. Under the contracts in use for German agriculture the employer is bound to provide common accommodation, allowing for separation of the sexes, and of a decent standard of hygiene. The premises must be provided with tables, seats, wash-basins, lock-up cupboards, a common kitchen and a common wash-house. The employer must provide fuel in sufficient quantities, and a bed, straw mattress, bolster and woollen blanket for each person. The common rooms and dormitories must be cleaned by the women of the party in charge of the cooking. The contracts in use for French agriculture generally provide that workers recruited singly shall have separate accommodation for each sex and sometimes for each nationality, if possible, and that each family shall have a lodging to itself. Often they recall that certain classes of workers, such as carters and cattlemen, may sometimes be required to sleep in the stables. A standard contract for Italian agricultural and forestry workers stipulates that the employer must give each worker a bed with a straw mattress, bolster, sheet and blankets.<sup>1</sup>

Several contracts for industrial employment refer explicitly to the law of the country in the matter of workers' accommodation. A contract for Polish workers recruited for Belgian mines

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<sup>1</sup> It should be observed that the question of sleeping and living accommodation in agricultural undertakings is regulated for immigrants as for national workers by statutory provisions or collective agreements in several of the chief countries of agricultural immigration, e.g. Austria, Denmark, France, and Germany. (On this subject, cf. "The Housing of Agricultural Wage-paid Workers", *International Labour Review*, March 1932, pp. 368 et seq.)



stipulates that the employer shall provide the workers with suitable, hygienic and well-kept accommodation at the normal rent; and that unmarried workers of each sex and also each family shall be lodged separately, under the conditions laid down in the Labour Code. There are similar provisions in several other contracts, as, for instance, in contracts for Czechoslovak workers recruited for Tunisia and for Polish and Czechoslovak workers recruited for industrial employment in Belgium.

### INSURANCE AND ASSISTANCE

The various forms of insurance and assistance of workers are dealt with in standard contracts only very cursorily except as regards sickness and accidents. Mention of the other branches of social insurance is generally confined to specifying the deductions that may be made from wages for the purpose of contributions.

As regards *compensation for accidents*, when it is based on compulsory insurance entirely at the employer's cost, as in Germany, the contracts may not mention it at all. But in countries where the law, while making the employer responsible for the compensation of accidents, does not compel him to insure his workers, it is frequently laid down in the contract that the worker shall be insured. The great majority of contracts, however, confine themselves to prescribing equality of treatment in this connection, or to stating that the foreign workers are entitled to medical and pharmaceutical benefit and compensation, in the conditions laid down by the law of the country.

On the subject of *sickness*, contractual provisions are usually more explicit. Even if there is compulsory sickness insurance, the contracts must specify the deductions to be made from wages, for the worker always contributes. Also, in view of the frequency of the risk, it is desirable that the worker should be told about the benefits to which he is entitled. Some contracts, for example a contract for Czechoslovak seasonal workers recruited for Austria (which does not enumerate the benefits), name the authorities to whom the worker may apply in writing for the necessary particulars.

When there is no compulsory insurance, the contracts sometimes confine themselves to providing for equality of treatment, stipulating that the foreign worker shall be entitled to the same treatment as the national worker. The employer then



undertakes that the immigrant workers shall be entitled to the same medical and pharmaceutical benefits, hospital treatment, etc., as the national workers in his employ (contracts of Polish agricultural workers and miners recruited for Belgium, of Italian industrial workers recruited for France, of Polish seasonal workers recruited for Latvia, etc.). Sometimes the standard contract does not prescribe such equality except where the undertaking has organised a sickness insurance or assistance scheme for its own workers; and provides that where this is not the case the employer shall guarantee the immigrant workers medical and other treatment for a specified period,<sup>1</sup> the expenses being defrayed by deductions from wages (Hungarian and Rumanian agricultural and forestry workers and Hungarian industrial workers recruited for France). In many cases the employer is bound to take out sickness and accident insurance policies for the foreign workers (Polish seasonal agricultural workers recruited for Denmark, where sickness insurance is voluntary); or to provide the necessary medical treatment for a stated period in case of illness, the cost being met by deductions from wages (Yugoslav agricultural and industrial workers recruited for France). Various types of contracts latterly used in France make a distinction between a slight illness (not more than a week), for which the employer must continue to provide board and lodging and also provide medical treatment and drugs at his own expense, and a serious illness (more than a week), for which the employer must send the worker to hospital (Polish agricultural and industrial workers, Italian and Czechoslovak agricultural and forestry workers). It is sometimes stipulated that a worker suffering from infectious disease who refuses to go to hospital shall be considered as having broken his contract (Polish agricultural workers recruited for Belgium, Polish agricultural seasonal workers recruited for

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<sup>1</sup> For example, certain standard contracts used since the war in France for foreign workers (Hungarian, Rumanian and Czechoslovak agricultural workers, Czechoslovak industrial workers, etc.) require the employer to furnish medical treatment and drugs at his own expense for at least eight weeks in the case of long illness, the cost usually being met by deductions from wages. These deductions, however, cannot be made while the worker is ill. Under a standard contract for Polish seasonal agricultural workers recruited for Denmark, the employer had to defray all costs (medical, pharmaceutical and, if necessary, hospital expenses) of the worker's illness, unless it was due to the latter's misconduct, for not more than six months and without making any deductions from wages. This clause created an obligation to the public authorities alone.



Denmark, Hungarian and Rumanian industrial workers recruited for France, etc.). The contract may also fix a period before the expiry of which an emigrant worker's incapacity due to illness cannot be held to break the contract (Polish agricultural and industrial workers recruited for France). Many standard contracts in use since the war require the employer to pay for the worker's repatriation in cases of *force majeure*, including illness. Lastly, nearly all standard contracts in recent use in Europe require the employer to see to the burial of a deceased worker and to notify the competent authorities (Polish agricultural workers in Belgium, all foreign workers in France, etc.).

The scope of the contractual clauses outlined above has been considerably restricted in some countries by the entry into force of social insurance legislation covering a large part of the risks in question. In France, for instance, most of the standard application forms or contracts in recent use bear a notice to the effect that certain clauses referring to assistance to sick workers at the employer's expense will be automatically cancelled as soon as the workers concerned are brought under the Social Insurance Act.

#### PROCEDURE FOR THE TERMINATION OF A CONTRACT

Except for a contract of Czechoslovak agricultural workers in Austria, in which it is stated that the question is regulated by the law of the country, all the standard contracts examined state the grounds on which a contract can be prematurely terminated, and regulate the rights and obligations of the parties in this event. The employer may generally invoke violence or insulting language, persistent refusal to work or to carry out the provisions of the contract, refusal to go to hospital when suffering from an infectious disease, or persistently troublesome behaviour. The contract may be terminated by the worker if he is badly treated, if the employer keeps his personal papers and persistently refuses to hand them over, if the employer does not fulfil his obligations and in particular if he does not board and lodge the worker properly, or does not carry out the wage and insurance provisions of the contract. According to the terms of the contract, premature termination may entail payment of compensation by the party at fault, the amount



being proportionate to the unexpired period, or payment of damages, or both.

If the contract is terminated owing to the employer's fault the workers are sometimes entitled to their travelling expenses home; or if they have refunded by deductions from wages the advances made to them by the employer for their outward travelling expenses, they are entitled to the refund of these deductions. Some contracts lay down that the worker is entitled to his remuneration either for the whole or for a part of the unexpired term.

If the contract has been broken through the worker's fault, he either loses his right to the allowance due for his return journey; or must pay (a) the amount that he still owes in respect of his outward travelling expenses, or (b) compensation in proportion to the unexpired term of the contract. But apart from termination of the contract owing to the fault of either party, some contracts allow for termination for private reasons such as serious illness or death of the consort necessitating the worker's return to his own country. Several contracts stipulate that this is a good reason for termination, but others require the worker to pay his own repatriation expenses. A standard contract for Italian agricultural or forestry workers recruited for France provides that, if the worker has advanced the outward travelling expenses when they have to be borne by the employer, he is entitled to a refund proportionate to the length of his service in the undertaking. Lastly, premature termination of the contract by the employer without any fault on either side is provided for in certain contracts, and may entail either payment to the worker of the bonus due on completion of the contract or repatriation at the employer's expense. Some of these contracts allow for this arrangement without specifying the occurrences justifying its application. Others, however, mention lack of business or unemployment of a certain magnitude, or suspension of work owing to *force majeure*.

#### MISCELLANEOUS (COMPETENT AUTHORITIES, ETC.)

Before concluding this account of standard contracts, reference may be made to certain clauses which, although rarely met with, are of some importance; and to provisions dealing with the authorities competent to hear disputes between the parties.



Under certain contracts, e.g. two standard contracts for Polish workers recruited for Belgian agriculture and mines, the worker agrees that if he fails to contribute to his family's support his consul may deduct an adequate sum from his wages and send it directly to his family. In a standard contract for Italian workers recruited for French industrial employment, the employer is bound to declare that in his undertaking there are no strikes or other labour troubles of any kind. Some standard contracts for employment in France contain provisions concerning the worker's transference from one branch of the same undertaking to another. Two of these contracts, those of Yugoslav workers recruited for French industrial and mining employment, allow for such transference, but make it depend on the worker's consent and previous approval by the competent French authorities. These two contracts, however, prohibit sending the worker into a French colony or protectorate. A contract for Yugoslav agricultural workers states that the employer may transfer the worker to another undertaking, but that he must take the worker's desires into account as far as possible. This contract also allows of transfer to the colonies subject to the worker's consent and approval of the Yugoslav diplomatic authorities.

Lastly, as regards procedure in the case of disputes between the parties, most contracts confine themselves to naming the authorities to which appeal may be made, without giving any details as to the procedure itself. In the standard contracts for employment in France, it is usually the competent French authorities to which claims must be addressed. Some of these contracts allow the worker to apply to these authorities either directly or through his country's consular or diplomatic authorities. Sometimes (contracts of Polish workers recruited for Dutch and Belgian mines and Rumanian industries) it is laid down that claims shall be addressed exclusively to the Polish consul. A contract of Polish workers recruited for Belgian agriculture provides for an appeal by the worker to the consular authorities and by the employer to the Federation of Agricultural Employers.

But there are also contracts that give information either explicitly or implicitly on the actual procedure to be followed in disputes. For instance, the standard contracts for German agriculture make representatives of the German Central Office for Workers responsible for dealing with all claims addressed



to them by either party, and for doing all in their power to settle disputes on the spot. The contracts then indicate the labour court that will be competent to try the case if the parties decide to take legal proceedings. A contract of Czechoslovak seasonal workers recruited for Austrian agriculture provides for an appeal by the worker to his consul and by the employer to the Central Office for Seasonal Agricultural Labour at Vienna ("*Ofzet*"). These two authorities must endeavour to settle the dispute amicably by sending a joint committee to the spot. The contract then provides that legal disputes shall not be submitted to the ordinary courts, but to the special court of arbitration set up under an agreement of 1925 between the competent Austrian and Czechoslovak Ministries. The composition and procedure of this court are described in detail in the contract itself.

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## CHAPTER III

### INSPECTION AND PROTECTION

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It is scarcely necessary to emphasise the utility of supervision and protection of migrant workers. Transplanted among a foreign population, often indifferent and sometimes hostile, usually ignorant of the language of the country, set to do work for which they may be ill prepared, and often separated from their family and friends, migrants have many difficulties to overcome before they can adapt themselves to their new surroundings. If to these are added injustices of employers and misunderstandings caused by mistaken ideas of the rules or contracts under which they work, it will be seen to be essential for the worker to have some impartial authority to whom he can turn for advice and help. According to the circumstances of the country, his own private circumstances and more often according to the nature of his difficulties, the emigrant may apply to a public authority, a trade union or some other association protecting his interests.<sup>1</sup>

In this way numerous difficulties may be avoided or overcome, with advantage not only to the emigrant and his family, but also to employers, workers in general, and the countries of emigration and immigration.

#### PUBLIC AUTHORITIES

As soon as he arrives in the country of destination, the emigrant worker is subject to the laws of the country and hence is protected more or less to the same extent as the national workers. Such protection helps, more than anything else, to prepare the assimilation of the immigrant to his new economic, social, and political environment if he remains there for a long time. However, his native country does not entirely cease to

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<sup>1</sup> As in the preceding chapters, the information given in the following pages refers mainly to the situation before the economic depression. Since the depression became acute, several of the measures and activities mentioned have been suspended or reduced.



take an interest in him; through its consuls or diplomatic agents it sees that the emigrant works and lives in proper conditions, and tries to maintain some connection between the homeland and the emigrant, who is often an important instrument of national expansion, whether economic or political.

The country of origin acts through its consuls, special agents (emigration attachés or counsellors) or diplomatic representatives. The latter rarely have to intervene in individual cases, their representations being mostly confined to general questions such as the rights of immigrants in their new country. The scope of the consuls' activities may vary according to the consular regulations of the country of emigration, and consular rights in the country of immigration. Emigrants are often advised to register with their consuls immediately upon their arrival. The consuls examine their claims, make the necessary representations and sometimes make tours of inspection in their districts.

It is still comparatively rare to find immigration countries that have set up official bodies for the special purpose of supervising the protection of immigrants. In most countries, the supervision of immigrants' living and working conditions is subject to the same regulations as for national workers, and is usually a matter for the factory inspectors. Some countries, however, have instituted special inspection arrangements for classes of immigrants particularly in need of assistance and protection, e.g. immigrant women and children. This is the case, for example, in Canada and France.

The Canadian Government regularly supervises working and living conditions of juveniles of from 14 to 18 years recruited by private persons or charitable associations in Great Britain. All arrangements concluded by charitable associations are examined by the Supervisor of Juvenile Immigration, an official of the Department of Immigration and Colonisation. It is the duty of a number of inspectors (five men and one woman in 1932) to visit annually every juvenile placed in employment, if possible at his home or his place of work. These inspectors may order the removal of juveniles whose working and living conditions are considered unsatisfactory. In addition, the Governments of certain provinces have organised their own inspection services for juvenile immigration.

The Dominion Minister of Immigration and Colonisation stated in 1920 that it was only by maintaining supervision and



inspection that the Government could properly protect juvenile immigrants. He added that this supervision was also a means of discovering those juveniles whose first few years in the country had shown them unsuitable for permanent residence in Canada.

The period for which inspection is continued after the juvenile's arrival depends upon his age, qualifications and progress. Supervision is exercised not only over the employer's conduct but also the immigrant's.

The Dominion Government has made special provision for women immigrants. A department of women officials under a Supervisor has been established in the Department of Immigration and Colonisation. This department keeps in close touch with the private associations for the protection of migrants.

In France various services have been established, either for supervision or for protection, differing according to whether the immigrants are industrial or agricultural workers.

The immigration of industrial workers is under the control of the Ministry of Labour. The seven district employment offices of this Ministry have attached to them sections for the supervision of foreign labour, which supervise the conditions of employment and of residence of the foreign workers, see that the latter have the same treatment as French workers, examine their complaints, and, in co-operation with the public employment exchanges, find workers to take the place of those who have terminated their contracts. In addition, the supervisors intervene frequently in labour disputes between employers and foreign workers and they generally succeed in settling them to the satisfaction of the parties, thanks to their knowledge of foreign languages. The number of supervisors concerned with foreign labour is fifty-one. The inspectors of labour also co-operate in this work and often make enquiries in undertakings employing foreign labour.

Agricultural immigration is under the control of the Ministry of Agriculture.<sup>1</sup> Authorities for assisting foreign women agricultural workers have been established since December 1928 and reorganised on a number of occasions, in the last instance by an Order of the Minister of Agriculture dated 29 May 1933. The Order lays down that when the number of foreign women

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<sup>1</sup> By section 48 of the Finance Act, 1935, the functions of the Ministry of Agriculture concerning the control of agricultural immigration have been transferred to the Ministry of Labour.



employed in agriculture in any Department warrants it, a departmental committee for the assistance and protection of immigrant women may be set up under the chairmanship of the prefect and under the authority of the Minister of Agriculture. The function of this committee is to give these women moral and if necessary material assistance, as well as to consider any improvements that might be made in the arrangements for the immigration of women agricultural workers generally. The members of the committee are appointed by the Minister of Agriculture from among representatives of French immigrant aid associations, and other duly qualified persons in the Department. Representatives of foreign organisations for the protection of migrants may be added to the Committee.

A woman inspector approved by the Minister of Agriculture and appointed by the prefect may be attached to the committee. These inspectors are not officials but rather social workers with official duties. One of their tasks is to settle disputes involving foreign agricultural women workers, in the conditions laid down by the Minister of Agriculture and the prefect. A woman inspector may go so far as to terminate the contract between the worker and her employer, but except in cases of extreme urgency she must first consult the Ministry of Agriculture.

Apart from the settlement of disputes, the inspectors have to report any improvements that might be made in female agricultural immigration. It was a recommendation by these inspectors that led the Ministry of Agriculture to give instructions limiting the number of cows to be milked and animals to be looked after by one person. In another instance, the Ministry was informed by the inspectors of some cases of unsuitable recruiting in Poland and took steps to change the recruiting area.

Each inspector must keep a daily record of her activities in a register which must be held at the disposal of the prefect and duly authorised officials of the Ministry of Agriculture.

Under this Ministry and the Ministry of Labour there are inspectors of agriculture, labour and immigration who make tours of inspection throughout the country.

This system of supervision and assistance has an extremely important bearing on the development of agricultural immigration into France. For many years both agricultural employers and the French Government complained that the emigration



countries, in particular Poland, either totally prohibited or very strictly limited the emigration of women agricultural workers to France. The policy of the Polish Government in this respect was determined by the experience of women placed individually on French farms. Some were so oppressed by their solitude that in the end they became less fit for work and they were also exposed to obvious moral dangers. It is therefore not surprising that the question of Polish female emigration has been discussed at some length in the Polish and French press, and also in the Joint Franco-Polish Committee. At the meeting of this Committee held in December 1929, the Polish delegation announced the suspension of female agricultural emigration to France. The French delegates, however, gave an assurance that the measures taken in various Departments for the protection and assistance of the Polish women in question would be extended; whereupon the Polish authorities declared that the resumption of this emigration would depend upon the degree to which these measures were carried out. It was in these circumstances that the Minister of Agriculture issued the Order analysed above. The results achieved appeared in France to have given satisfaction to the parties concerned, but there may be doubts as to the influence of the present depression on the development or the maintenance of this system as indeed on other measures for the protection of migrants. A final opinion on the value of this system can only be arrived at in the future when it is possible to see what effect it has on certain problems of protection which, like those of accommodation, wages, etc., are influenced by the economic situation and can only be solved after years of experience.

Slightly different arrangements applying chiefly to young industrial workers were agreed upon by France and Italy in the Conventions of 15 April 1904 (Article 2 *b*) and 15 June 1910 (Article 9). These provisions were incorporated in Article 20 of the Franco-Italian treaty of 30 September 1919. This provides that the committees to be set up, in French industrial centres or districts containing more than fifty Italian children in industrial employment, to supervise the enforcement of the French regulations on the employment of young persons and their moral and material circumstances when living apart from their family “shall as a rule extend their care to workers of all ages — Italian in France and French in Italy — in areas where there is a sufficiently large number of workers from the other country”.



Among the members of these committees must be the prefect of the Department, the mayor of the commune, the factory inspector, the consul, the president of a society of the other nationality for mutual assistance, education or relief, or failing such person a national of the other country resident in the district; a representative of the employers' organisations and a representative of the trade unions of the district; and, lastly, a worker of each of the two nationalities. This scheme of organisation is very detailed, but there is no information on the working of the committees and the results obtained.

### TRADE UNIONS

The trade unions also endeavour to ensure that migrant workers live and work in satisfactory conditions.

Generally speaking, their efforts in this connection are governed by the principles underlying their policy in the matter of recruiting and placing of migrant workers, but these principles in turn are influenced by the economic conditions of their respective countries.

In emigration countries it is to the worker's interest to keep open the outlets in the new countries and to maintain the international movement of workers. Moreover, the unions often usefully contribute to the prevention of certain abuses that may arise in connection with the recruiting of workers for abroad, but they are less able to look after the interests of the workers after they have left their native country.

In most immigration countries the efforts of some or all the trade unions are directed toward restricting the inflow of immigrant labour; these efforts are naturally stimulated by the economic depression, but they are sometimes observable even in times of prosperity. Their attitude springs from a number of considerations: acceptance by certain foreign workers of wages or other working conditions inferior to those of the national workers; lack of trade union spirit among immigrant workers; overcrowding of certain occupations and consequent unemployment of national workers, etc.

On one point, of the greatest importance for the protection of migrant workers, the trade unions of all countries and all shades of opinion are unanimous, that is, the necessity of equality of treatment between national and immigrant workers. As to this, the unions of the countries of emigration are in perfect



agreement with those of the countries of immigration<sup>1</sup>; any differences that may exist relate to the best methods of applying the principle. While the trade unions of the oversea immigration countries are rarely in favour of labour treaties between emigration and immigration countries, and even distrust the whole policy of recruiting and engagement by means of contracts of employment concluded before the immigrant's arrival in his new country, most European unions have repeatedly declared themselves in favour of such treaties and also of recruitment under contract. The World Labour Migration Congress held in London in 1926 made no statement upon this last point and only recommended that "an International Migration Office should be created within the framework of the International Labour Office". The preparatory report submitted to the Congress recalls the advantages of bilateral migration and labour treaties which "are only the beginnings of an international policy for the protection of the immigrant and the native alike"; but it does not hide the fact that "they have many shortcomings, one of the chief of which is that, being concluded by the governing and employing classes, they do not provide for the effective supervision of the recruitment and conditions of the alien workers by bodies on which trade unions are well represented. The alien worker is still very much more at the mercy of the employer than the native. . . . The ever-tightening control which is being exercised over the immigrant worker by public authorities goes to restrict his freedom of movement from one employer to another, and from one place to another; and it is obvious that any measure that hampers his free action in obtaining his work will also tend to make it easier for his employer to tyrannise over him." <sup>2</sup>

The organisation of immigrant workers also has a very important bearing on the protection of working-class interests. The trade unions of the immigration countries consider that immigrant workers ought to join them so as to ensure co-operation with the workers of those countries.

But the problem of the organisation of immigrant workers raises many and various practical difficulties. First of all these workers rightly or wrongly fear that there would be reprisals

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<sup>1</sup> See above, p. 163.

<sup>2</sup> J. W. BROWN: *World Migration and Labour* (together with the proceedings of the World Migration Congress), pp. 5 and 6. Published by the International Federation of Trade Unions, 1926.



on the part of the authorities or employers if they joined trade unions. Many of them also are more or less dependent upon their employer, for in some occupations they are lodged and sometimes even boarded by him. Much more dangerous dependence, however, arises when the immigrant's position is not entirely regular, as is the case with thousands of foreigners in immigration countries where the administrative formalities required of them are manifold, complex or subject to abrupt changes; or when the regularisation of their position involves them in serious difficulties or penalties. Thirdly, foreign labour is often very mobile. It readily moves from one undertaking or district to another, and it is no easy matter to establish lasting contact between the workers and the unions. Lastly, the immigrants very often come from occupations or countries in which there is very little trade union organisation, and it is extremely difficult to create from one day to the next the discipline that must underlie all trade union activity.<sup>1</sup>

If all these difficulties are taken into consideration in conjunction with the fact that the immigrants often prefer to set up their own national organisations, that the establishment of these organisations is generally encouraged by the authorities of the country of origin and, lastly, that the immigrants have not always the same legal rights in trade unions as the national workers,<sup>2</sup> it will be easy to understand why affiliation of foreign workers to the trade unions of their new country is far from the rule.<sup>3</sup>

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<sup>1</sup> P. VAN MALDERE: *Le problème des migrations ouvrières*. Cahiers de la Commission syndicale de Belgique, No. 8, May 1925.

<sup>2</sup> In France, for example, while foreign workers may belong to trade unions equally with the national workers, they are prohibited by section 4 of the Act of 1884 from holding administrative or supervisory posts in them. Under the Act of 21 June 1924 foreigners may neither vote nor be candidates in elections for conciliation boards or advisory labour councils; and, except for immigrants covered by certain bilateral treaties, may not be appointed to the arbitration and conciliation committees formed by representatives of employers and workers. In Algeria and the French Colonies immigrants may not belong to trade unions (cf. M. PAON: *L'immigration en France*, Paris, 1926). Further, workers employed in French mines complain that they no longer enjoy equality of treatment as regards the election of workmen's examiners and the management of the mutual aid funds.

<sup>3</sup> At the World Labour Migration Congress held in London, Mr. Jouhaux, delegate of the French General Confederation of Labour, pointed out that of the very large number of foreigners then working in France only ten or fifteen thousand were members of trade unions. He ascribed this to the fact that only a few of these workers had belonged to trade unions in their own countries.



The question has been thoroughly discussed in international trade union congresses. At the Zurich Congress of 1919, Mr. Jouhaux, speaking as Secretary-General of the French General Confederation of Labour, made the following statement:

“These circumstances compel us to ask the various national trade union organisations to inform the working classes likely to furnish immigrants for France of the conditions that they will find there. The contracts that they have concluded will be broken and they will have no remedy. We are not opposed to immigration, but we want immigrant workers to join our unions so that they can defend their rights and not compete with the national workers and paralyse the unions. We proclaim that all workers are entitled to work wherever they are, provided that they join their work-mates in the common struggle for betterment and social progress. . . .

“In the campaign that we are about to undertake to force trade union organisation upon districts that are beginning to be industrialised, we want to count on the help of organisations in other countries; and this help they can give by publishing information and advice for the benefit of emigrants and so reaching the workers before they leave. We also feel that all organisations should require their members who leave for France to join our unions.”

Many trade union congresses, both national and international, have passed resolutions bearing upon this problem. Reference need only be made to that adopted by the World Migration Congress held in London in 1926:

“This Congress recommends the International Federation of Trade Unions to take all necessary measures for the organisation of immigrant workers.

“With regard to trade union organisation, this Congress recommends:

- “(1) That international regulations should be drawn up by the national centres affiliated to the International Federation of Trade Unions and the International Trade Secretariats to ensure the prompt and smooth transfer of emigrant workers from their unions in the old countries to the corresponding unions in the new;
- “(2) That trade union centres should do all in their power by propaganda of every kind to stimulate the organisation of immigrant workers in trade unions, special groups of foreign nationalities being formed only with the sanction of the national centre in the country of immigration; and
- “(3) That the trade union centres should endeavour to secure the equality of treatment of immigrant members in respect of all trade union benefit.”

The problem of the affiliation of immigrant workers to trade unions may be resolved in two ways. First, the national unions of the international trade secretariats may conclude agreements regulating the transfer of members of unions in one country to unions in another. Secondly, the international secretariats may embody in their regulations clauses providing



for equality of treatment of immigrant trade unionists in the matter of contributions, assistance, etc.; these clauses should also be accepted by the national affiliated unions.

These two systems have been frequently employed since the war. Three international trade secretariats — those of the lithographers, textile workers and printers — have concluded agreements regulating the affiliation of immigrant workers. Under these agreements foreign trade unionists have the same rights as national members provided that they register their membership and pay their contributions in their country of origin. Practically the same provisions figure in the regulations of a number of other international trade secretariats (international federations of building workers, salaried employees, hatters, etc.). The regulations usually insist on the necessity of notifying transfer of members to the national union concerned within a stated period.<sup>1</sup>

Apart from these general regulations, a large number of regional agreements have been concluded by the national federations concerned. For instance, an agreement was signed at Lille in 1919 between the Belgian Trade Union Committee and the French General Confederation of Labour concerning workers in the metallurgical, textile, wood and building industries. Under this agreement the French unions have the entire responsibility for all activities in their areas. They alone may determine what form propaganda shall take, formulate claims for submission to the employers, call and terminate strikes. At the request of the French unions the Belgian unions lend their aid in all these matters. The French unions will only accept Belgian workers who have paid their contributions up to date in Belgium and who will continue to pay them. On condition of reciprocity, Belgian workers living in Belgium but working in France must join French unions and comply with their regulations in matters of policy, administration, contributions, etc.

Another agreement of the same type was concluded between the French and Belgian railway unions.

In 1920 an agreement was signed between the trade unions of France, Belgium and Luxemburg by which these unions adhered to the above-mentioned Lille agreement. A committee composed of two members from each country was appointed to take the necessary steps.

<sup>1</sup> J. W. BROWN: *op. cit.*



In 1923 an international conference of the building workers of Belgium, Czechoslovakia, France, Germany, Hungary and Italy decided to set up an "International Office of Foreign Labour in France". This Office was instructed to increase membership of trade unions among the foreign workers in France and to take all necessary steps to afford these workers the greatest possible security in the matter of wages, industrial accidents, hygiene, etc., all activities to be carried on through the unions under the supervision of the International Federation of Building Workers. A sum of 80,000 francs was allotted to the Office and it was decided to employ two persons, one German-speaking and the other Italian-speaking, to carry on permanent propaganda. This international trade union organisation of building workers had its origin in the desire to organise the very large number of foreign workers employed in the reconstruction of the devastated regions of France.

Mention may also be made of the arrangement concluded between the French General Confederation of Labour and the Polish Trade Union Committee, by which Polish trade unionists who emigrate to France are encouraged to belong to French unions. Propaganda for the organisation of Polish labour is carried on by the French Confederation, which employs a permanent Polish-speaking organiser for this purpose and publishes a Polish journal, *Prawo Ludu*.

The aim of all the activities here considered is to facilitate affiliation of immigrant workers to the trade unions of the immigration countries. In most cases the unions publish leaflets or even newspapers in the immigrant's own language, and hold meetings or establish sections specially organised for immigrant workers by persons of their own nationality. It should, however, be observed that in several immigration countries most of the immigrants' organisations have taken the form of independent national associations, and these are sometimes very active. They often have branches in many parts of the country, hold their own congresses, publish newspapers, and concern themselves generally with protection and mutual aid.<sup>1</sup>

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<sup>1</sup> For instance, the Union of Polish Workers in France had 20,000 members in 1932, divided among 108 branches in 8 districts. A Polish Workers' University was founded at Lille in 1924 (cf. G. MAUCO: *Les étrangers en France*, Paris, 1932). The Union publishes a newspaper in Polish, looks after the occupational interests of its members and the transference of their pension rights, and helps them to secure compensation in case of accident, or relief in case of unemployment, etc.



The problem of the trade union organisation of migrant workers is sometimes referred to in international agreements. The Germano-Polish Treaty of 24 November 1927 relating to the emigration of Polish agricultural workers to Germany provided that these workers should enjoy the same protection as German workers in the matter of trade union organisation. In this way the Polish workers acquired the right either of belonging to the German unions or of forming independent unions. In point of fact, however, trade unionism made scarcely any progress and the Polish seasonal workers in Germany remained unorganised. This is partly accounted for by the fact that the migrants consisted mainly of women and small farmers; and partly by the difficulties of organisation, due to the mobility and dispersion of the workers and the instability of their employment.

According to statistics of 1928 covering all these Polish workers, scarcely 10 per cent. were members of trade unions. Of this fraction the majority belonged to the German Union of Agricultural Workers (*Landarbeiterverein*), which had concluded an agreement in 1925 with the Polish Agricultural Workers' Union by which the Polish workers belonging to this latter union automatically became members of the German union during their stay in Germany, with all the rights and obligations of the German members. The Polish workers paid into the German union the contributions due to the Polish union. The former published a propaganda paper in Polish which was distributed free of charge among the Polish workers. Under the agreement it was bound to set up local Polish sections in the districts in which there were large bodies of Polish immigrants.

Apart from this German union, several Polish associations of a more or less occupational character carried on activities in Germany, but they do not seem to have succeeded in building up a large membership. The attraction of the German union for the Polish immigrants is to be explained by the practical advantages that it could offer, by its position in the labour courts and, above all, by the preponderant part that it played in fixing the regional wage rates. The Polish associations, on the other hand, met certain of the immigrants' cultural, political and social needs.<sup>1</sup>

<sup>1</sup> Dr. ST. RUZIEWICZ: *Le problème de l'émigration polonaise en Allemagne*, pp. 283 et seq. Paris, 1930.



Following upon a conference held in Washington in September 1925 between Mexican and United States trade unions, an agreement was concluded laying down a policy of self-restraint on the part of the unions both of the emigration and the immigration country; and providing for the appointment of a mixed committee of the Mexican and American Federations of Labour to keep a continuous watch over migration, and to investigate the problems to which it gives rise. In conjunction with the Pan-American Federation of Labour, the committee prepared recommendations and suggestions for submission to their respective Governments by the trade unions. The Conference also agreed that workers crossing the United States-Mexico frontier should immediately join the union for their occupation in their new country and loyally observe the rules and regulations of the trade union movement there.<sup>1</sup>

#### OTHER ORGANISATIONS FOR THE PROTECTION OF MIGRANTS

The official and trade union bodies do not completely cover the field of activity, but leave ample room for private associations which assist migrant workers. As examples of organisations of this kind with headquarters in an emigration country, mention may be made of the active Polish associations, such as the Women's Association for Social Service in Poland, which is mainly concerned with assistance to Polish women and children who are emigrating, have emigrated or have been repatriated; and the *Opiéka Polska*, set up to protect and assist emigrants and to keep alive the national and religious traditions among them.

Many migrants' protection associations have also been set up in the countries of immigration, and especially in the United States. The National Council of Jewish Women, for instance, receives Jewish women and children on their arrival in the United States, sees to their journey to their final destination, helps them to settle down, or protects them when they are rejected, and looks after their families. The Immigrants' Protective League of Chicago co-operates with the authorities of the State of Illinois in helping and protecting large bodies of immigrants of all classes and of foreign-born workers who are already settled in the State. The Foreign Language Informa-

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<sup>1</sup> J. W. BROWN: *op. cit.*, p. 147.



tion Service carries on very valuable educational and information work among the American public and authorities, as well as among the immigrants, by means of excellent publications in several languages. Perhaps the largest of the national protective associations in any country was the Bureau of Immigration and the Foreign Born (Y.W.C.A.), which, at a time when there was a large number of immigrants in the United States, set up local committees for the purpose of helping the immigrants to settle down in the United States and assisting them in various ways.

These few examples, however incomplete they may be, must suffice, for a survey, even in outline, of the various forms of activities of migrants' protection associations working in immigration countries, both in the New World and the Old, would be outside the scope of this report. It may, however, be said that these associations, and especially the Jewish associations, which are well equipped in this respect, have played a pre-eminent part in immigration and colonisation in various countries, more especially Palestine and certain parts of South America. In Palestine, as has already been seen, by the terms of the Mandate itself the migration policy of the Mandatory Power depends for its application upon the active collaboration of a very important semi-official body, the Jewish Agency. In the British Empire many national organisations, such as the Salvation Army, Church Emigration Society, Child Emigration Society, Y.M.C.A., Dr. Barnardo's Homes, old scholars' associations, boy scouts' associations, etc., are linked by the Empire Settlement Act with the competent authorities for the purpose of imperial colonisation, and receive subsidies for their work in this connection from the Governments of the mother country and the Dominions concerned.

It should, however, be observed that, having regard to the influence that an association dealing with migrants may have on their life and their relations with the nationals of the immigration country, and also to the possibilities of abuses and exploitation of all kinds on the part of pseudo-philanthropic bodies, the Governments often subject the associations to supervision as strict as that over other private associations, if not stricter. To this supervision must be added the audit of expenditure and investigation of activities carried out whenever the authorities grant an association special powers or subsidies or other financial support.



The activities of the associations assisting or protecting migrants, and more especially insurance and friendly societies, have also been mentioned in a number of bilateral emigration and labour treaties.

For instance, under the Italo-Brazilian Emigration and Labour Convention of 8 October 1921 the Brazilian Government undertook to facilitate the organisation and working of insurance and assistance societies formed by Italian agricultural workers on its territory. A similar clause was inserted in the Administrative Agreement of 19 February 1927 between the State of São Paulo and Poland. Under the Labour Treaty concluded in 1919 between France and Italy, "charitable societies and societies for assistance or mutual aid among Italian subjects in France and French citizens in Italy, and joint societies in both countries constituted and operating in accordance with the laws of the country, shall have the rights and advantages guaranteed to French or Italian societies of the same kind". The Assistance Conventions concluded by France with Belgium, Luxemburg, Poland and the Saar contain a similar clause. The Franco-Italian Labour Treaty and the Franco-Polish Assistance Convention add that "Italian (Polish) nationals resident in France who are members of a friendly society which is approved or recognised as of public utility shall have the benefit of the subsidies granted by the State in connection with individual contributions for pensions, and shall be entitled to the pensions charged upon public funds".

It will be noted that, unlike the agreements concluded by Brazil, these agreements concluded by France apply not only to associations of immigrants but also to joint associations, i.e. embracing both immigrants and nationals. It is also provided in the Franco-Italian Treaty and the Franco-Polish Convention that "Italian (Polish) workers and employers resident in France who are members of a French friendly society may be members of its managing committee, provided that the number of foreign members of this committee does not exceed half the total number of members less one".

The advantages allowed to the associations in question by labour or migration treaties and agreements may be explained mainly by the help that they give to migrant workers. Their activities under this head are defined in the five above-mentioned agreements concluded by France as involving a contribution towards the cost of assistance to immigrants. It is, in fact,



provided that refunds ordinarily due by the country of origin in respect of expenditure incurred in the second phase of assistance or repatriation, which runs after the forty-fifth or sixtieth day as the case may be, shall not be payable when this expenditure has been defrayed by a charitable society or in any other way. The Franco-Italian Agreement of 4 June 1924 adds that the country of origin shall be entitled to abstain from repatriation at the expiry of the period provided for in the Treaty, if the cost of hospital treatment or assistance has been defrayed by a charitable society or in any other way.

To judge from the resolutions adopted by a number of recent congresses, collaboration between protection associations and public authorities dealing with migrants seems, generally speaking, to be developing. At its Fourth General Meeting, held in Paris in October 1931, the International Association for Social Progress recommended that in matters affecting the material and moral interests of emigrants, the international organisations should seek the assistance of occupational associations and private protection associations carried on for disinterested ends and offering full guarantees.

For their part, the migrants' protection organisations have recognised the need for better and more extensive co-ordination of both national and international activities carried on in the interests of migrants. In 1924 about fifty of them, representing all shades of opinion and forms of activity and having their headquarters in various European and oversea countries, combined to form an association known as the Permanent International Conference of Private Organisations for the Protection of Migrants (C.P.P.M.). This association holds annual meetings, conducts enquiries, prepares reports, initiates exchanges of views and resolutions on the most important and urgent problems of material or moral assistance to emigrants, immigrants, repatriated emigrants and their families. Appreciating the importance of this association, the International Conference on Emigration and Immigration, held at Havana in 1928, urged that "the Permanent International Conference of Private Organisations for the Protection of Migrants should be consulted as frequently as possible by the competent official international organisations on questions relating to the practical application of measures for the protection of migrants". The introduction to the report submitted to the World Labour Migration Congress held in London in



1926 contains the following passage about the same association: "It can hardly be doubted that the Conference (of Private Organisations for the Protection of Migrants), in striving to co-ordinate the activities of numerous societies in various countries interested in the welfare of emigrants, is doing very useful work, and that the Governments should be asked to avail themselves of its assistance in so far as they can do so without relinquishing adequate supervision." <sup>1</sup>

Apart from their work of practical assistance which, however useful it may be, can only relieve a fraction of the needs of migrants, private associations have developed a very important side of their activity in enlightening public opinion and in defending human interests which are sometimes neglected.

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<sup>1</sup> J. W. BROWN: *op. cit.*



## CONCLUSIONS

At the beginning of this report reference is made to the very sharp decline in migration following upon a more gradual decline that set in soon after the war. This decline, especially if taken in conjunction with the general economic trend of the last few years, is an event of capital importance. The waves of international migration have ceased to play their traditional part in the general flow of men, money and goods between emigration and immigration countries; and not only this, they have abruptly given way to an ebb of returning migrants. But it is also noted that this phase seems to be coming to an end, for the return movement is now falling off. It is even possible to detect symptoms of an approaching revival in certain directions: with the steady improvement of the economic situation in certain immigration countries, the possibility, and indeed the necessity, of bringing in fresh population and labour appears more clearly; and immigration and settlement problems are again giving rise to investigations and schemes.

The central problem that arises in these circumstances is whether, when recovery definitely sets in and spreads, fresh masses of migrants shall be left to drift chaotically into the countries of immigration in a swollen stream that will suddenly dry up; or whether the rising stream shall be regulated by international agreements and other suitably designed measures.

The experience of the last few years would certainly seem to tell in favour of an attempt at systematic regulation, which should naturally be based on the experience of existing systems of recruiting and placing of migrant workers.

To provide a general survey of these systems is the aim of the second part of the present report. In particular, it enumerates the various methods employed for giving information to emigrants and for training them, for dealing with applications for foreign labour, for gauging the labour market, for recruitment and selection, for defraying travelling expenses, for effecting insurances and otherwise meeting the risks of all



kinds to which migrants are exposed on their journey, for receiving and placing them in the country of destination, for transferring them from one job or occupation to another, and, lastly, for repatriating them if necessary.

The third part is devoted to an analysis of the basic principles governing the treatment of immigrant workers and the practical application of these principles both in contracts of employment and in the activities of inspection and protection organisations.

A trend has been noticed in several countries towards the organisation of international movements of workers by means of bilateral agreements or standard contracts. It may be wondered whether, underlying these agreements and contracts, there may not be general principles that could usefully be embodied in a general international Convention. Such a Convention could not aim at binding States to conclude bilateral treaties, for these must remain matters for the Governments primarily concerned; or, *a fortiori*, at inducing States whose territories might be considered as suitable for immigration to pledge their future by throwing open their doors to all comers. But all States might agree that, should they actively encourage immigration — and for so long as they continue to do so — and conclude agreements or issue regulations concerning international recruiting and placing, they would base their agreements or regulations on the principles laid down in the Convention.

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It was desired by the above enumeration to draw certain conclusions from the present report, but it is recognised that these conclusions are confined to the technical aspects of a far larger and more complex problem which is becoming increasingly a subject of concern to international opinion.

The present depression has focused attention on the importance of balancing the movements of men, money, and goods internationally as well as nationally, of distributing employment and extending it as much as possible by the opening up of new markets and by a suitable movement of capital and goods and of thus increasing consumption while at the same time raising the standard of living of the mass of the population. This naturally raises the question of the methods to be adopted



and emphasises the need for conciliating tendencies which are too often antagonistic: freedom and organisation, economic development and social needs, international co-operation and national protection.

The present report, by the information it contains on the technical aspects of the problems of migration will, it is hoped, contribute to the adoption of a better system for the international movement of workers. Its object is to help in the elaboration of a suitable technique capable of facilitating the international co-operation which is necessary if a satisfactory organisation of international migration is to be brought about.



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